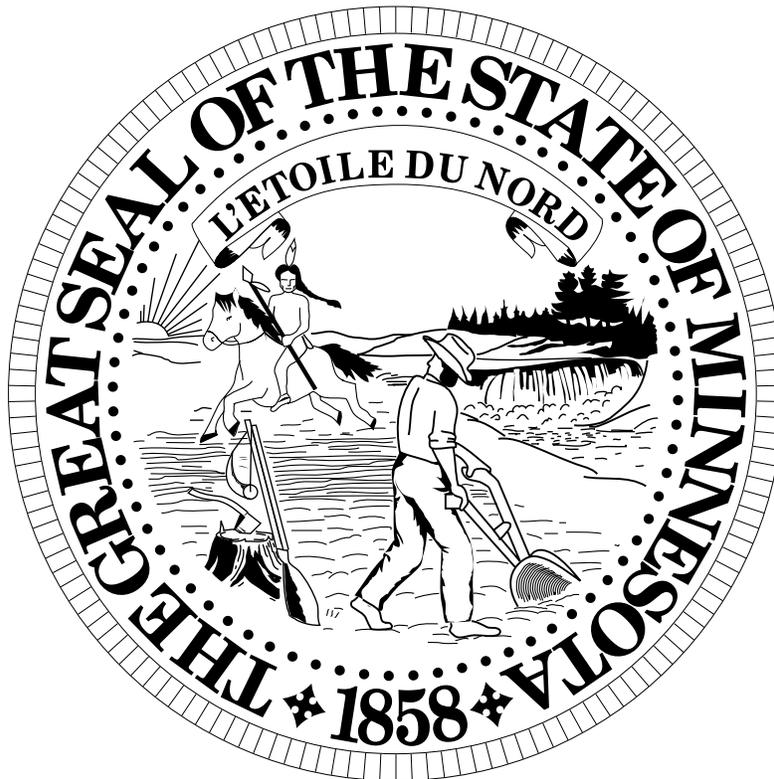


State of Minnesota

State Register

Rules and Official Notices Edition



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State Register

Judicial Notice Shall Be Taken of Material Published in the *State Register*

The *State Register* is the official publication of the State of Minnesota, published weekly to fulfill the legislative mandate set forth in *Minnesota Statutes* § 14.46. The *State Register* contains:

- proposed, adopted, exempt, expedited emergency and withdrawn rules
- executive orders of the governor
- appointments
- proclamations and commendations
- commissioners' orders
- revenue notices
- official notices
- state grants and loans
- contracts for professional, technical and consulting services
- non-state public bids, contracts and grants
- certificates of assumed name, registration of insignia and marks

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Printing Schedule and Submission Deadlines

Vol. 26 Issue Number	PUBLISH DATE	Deadline for both Adopted and Proposed RULES	Deadline for: Emergency Rules, Executive and Commissioner's Orders, Revenue and Official Notices, State Grants, Professional-Technical-Consulting Contracts, Non-State Bids and Public Contracts
#30	Monday 14 January	Noon Wednesday 2 January 2002	Noon Tuesday 8 January 2002
#31	TUESDAY 22 JANUARY	Noon Wednesday 9 January	Noon Tuesday 15 January
#32	Monday 28 January	Noon Wednesday 16 January	Noon Tuesday 22 January
#33	Monday 4 February	Noon Wednesday 23 January	Noon Tuesday 29 January

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House Information Office (651) 296-2146

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Minnesota Judicial Center, Room 135, 25 Constitution Ave., St. Paul, MN 55155

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NOTICE: How to Follow State Agency Rulemaking in the State Register

The *State Register* is the official source, and only complete listing, for all state agency rulemaking in its various stages. State agencies are required to publish notice of their rulemaking action in the *State Register*. Published every Monday, the *State Register* makes it easy to follow and participate in the important rulemaking process. Approximately 80 state agencies have the authority to issue rules. Each agency is assigned specific **Minnesota Rule** chapter numbers. Every odd-numbered year the **Minnesota Rules** are published. The current 1999 set is a 13-volume bound collection of all adopted rules in effect at the time. Supplements are published to update this set of rules. Generally speaking, proposed and adopted exempt rules do not appear in this set because of their short-term nature, but are published in the *State Register*.

An agency must first solicit **Comments on Planned Rules** or **Comments on Planned Rule Amendments** from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency (*Minnesota Statutes* §§ 14.101). It does this by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, or within 60 days of the effective date of any new statutory grant of required rulemaking.

When rules are first drafted, state agencies publish them as **Proposed Rules**, along with a notice of hearing, or a notice of intent to adopt rules without a hearing in the case of noncontroversial rules. This notice asks for comment on the rules as proposed. Proposed emergency rules and withdrawn proposed rules are also published in the *State Register*. After proposed rules have gone through the comment period, and have been rewritten into their final form, they again appear in the *State Register* as **Adopted Rules**. These final adopted rules are not printed in their entirety in the *State Register*, only the changes made since their publication as Proposed Rules. To see the full rule, as adopted and in effect, a person simply needs two issues of the *State Register*, the issue the rule appeared in as proposed, and later as adopted. For a more detailed description of the rulemaking process, see the most current edition of the *Minnesota Guidebook to State Agency Services*.

The *State Register* features partial and cumulative listings of rules in this section on the following schedule: issues #1-13 inclusive; issues #14-25 inclusive; issue #26 cumulative for issues #1-26; issues #27-38 inclusive; issue #39, cumulative for issues #1-39; issues #40-51 inclusive; and issues #1-52 (or 53 in some years), cumulative for issues #1-52 (or 53). An annual subject matter index for rules was separately printed usually in August, but starting with Volume 19 now appears in the final issue of each volume. For copies or subscriptions to the *State Register*, contact Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155 (612) 297-3000, or toll-free 1-800-657-3757.

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Proposed Rules

Comments on Planned Rules or Rule Amendments

An agency must first solicit **Comments on Planned Rules** or **Comments on Planned Rule Amendments** from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency (*Minnesota Statutes* §§ 14.101). It does this by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, and within 60 days of the effective date of any new statutory grant of required rulemaking.

Rules to be Adopted After a Hearing

After receiving comments and deciding to hold a public hearing on the rule, an agency drafts its rule. It then publishes its rules with a notice of hearing. All persons wishing to make a statement must register at the hearing. Anyone who wishes to submit written comments may do so at the hearing, or within five working days of the close of the hearing. Administrative law judges may, during the hearing, extend the period for receiving comments up to 20 calendar days. For five business days after the submission period the agency and interested persons may respond to any new information submitted during the written submission period and the record then is closed. The administrative law judge prepares a report within 30 days, stating findings of fact, conclusions and recommendations. After receiving the report, the agency decides whether to adopt, withdraw or modify the proposed rule based on consideration of the comments made during the rule hearing procedure and the report of the administrative law judge. The agency must wait five days after receiving the report before taking any action.

Rules to be Adopted Without a Hearing

Pursuant to *Minnesota Statutes* § 14.22, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing. An agency must first solicit **Comments on Planned Rules** or **Comments on Planned Rule Amendments** from the public. The agency then publishes a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. If, during the 30-day comment period, 25 or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of §§ 14.14-14.20, which state that if an agency decides to hold a public hearing, it must publish a notice of intent in the *State Register*.

Department of Agriculture

Dairy and Food Division

Proposed Permanent Rules Relating to Repeal of Certain Food Rules

NOTICE OF INTENT TO REPEAL OBSOLETE RULES

Proposed Repeal of Rules Governing Meat Inspection; Meat, Fish and Poultry; General Food Rules; and Food Standards, *Minnesota Rules*, 1540.0580, 1540.1390, 1540.2460, 1540.3140 - 1540.3410, 1540.3510, 1540.3580, 1540.3590, 1540.3650 - 1540.3750, 1540.3770, 1540.3790 - 1540.3940, 1540.4130, 1540.4160 - 1540.4180, 1540.4230 - 1540.4260, 1540.4280, 1540.4310, 1540.4380 - 1540.4440; 1545.0010 - 1545.0140, 1545.0240, 1545.0330 - 1545.0350, 1545.0420 - 1545.1480, 1545.1730, 1545.1800 - 1545.1850, 1545.2080 - 1545.2720, 1545.2740 - 1545.2830; 1550.0050, 1550.0070, 1550.0210 - 1550.0270, 1550.0300, 1550.0310, 1550.3040, 1550.0590, 1550.0610, 1550.0620, 1550.0860, 1550.0990, 1550.1640, 1550.2110; 1555.6340 - 1555.6650, 1555.6670 - 1555.6710

Introduction. The Department of Agriculture intends to repeal obsolete rules following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.3895.

Agency Contact Person. Comments or questions on the repeal and written requests that the agency proceed to a public hearing on the repeal in accordance with *Minnesota Statutes*, sections 14.131 to 14.20 or proceed to repeal the rule without a public hearing in accordance with *Minnesota Statutes*, sections 14.22 to 14.28 must be submitted to: Carol Milligan, Minnesota Department of Agriculture, 90 W Plato Blvd., St. Paul, MN 55107; **phone:** (651) 296-6906; **Fax:** (651) 297-5522; **email:** carol.milligan@state.mn.us. **TTY** users may call the Minnesota Relay at 1-800-627-3529.

Subject of Rules and Statutory Authority. The proposed repeal is about obsolete rules that set standards for meat inspections, labeling statements manufacturing, and additives; set meat, fish and poultry identity and processing standards; set labeling requirements for food products; and set grading standards for potatoes and apples. The statutory authority to repeal the rules is *Minnesota Statutes*, sections 28.13, 28A.10, 30.102, 30.55, 31.101, 31.11, 31.54, and 31A.08. A copy of the proposed repeal is published in the *State Register* and attached to this notice as mailed.

Comments. You have until 4:30 p.m. on March 15, 2002 to submit written comment in support of or in opposition to the proposed repeal and any part or subpart of the repeal. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comment should identify the portion of the proposed repeal addressed and the reason

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

Proposed Rules

for the comment. You are encouraged to propose that any part or subpart not be repealed. Any comments that you would like to make on the legality of the proposed repeal must also be made during this comment period.

Request for an Alternate Process. If 25 or more people submit a written request, the agency will have to meet the requirements of sections 14.131 to 14.20 for rules adopted after a public hearing or the requirements of section 14.22 to 14.28 for rules adopted without a public hearing, including preparation of a statement of need and reasonableness and the opportunity for a hearing. Your request must be in writing and must be received by the agency contact person by 4:30 p.m. on March 15, 2002. Your written request for an alternate process must include your name and address. You must identify the portion of the proposed rule which you feel should not be repealed or state that you oppose the entire repeal. Any request that does not comply with these requirements is not valid and cannot be counted by the agency for determining whether an alternate process is necessary. You are also encouraged to state the reason for the request.

Modifications. The proposed repeal may be modified as a result of public comment. The modifications must be supported by comments and information submitted to the agency, but modifications can only alter which rules or parts are being repealed. If the proposed repeals affect you in any way, you are encouraged to participate in the repeal process.

Adoption and Review of Rules. If no alternate process is required, the agency may repeal the rules after the end of the comment period. The repealed rules and supporting documents will then be submitted to the Office of Administrative Hearings for review for legality. You may ask to be notified of the date the repeal is submitted to the office. If you want to be so notified, or want to receive a copy of the repealer, or want to register with the agency to receive notice of future rule proceedings, submit your request to the agency contact person listed above.

Dated: 13 December 2001

Sharon Clark
Deputy Commissioner

1540.0590 HOT WATER UNDER PRESSURE.

Hot water for cleaning rooms and equipment ~~other than those mentioned in part 1540.0580~~ shall be delivered under pressure to sufficient convenient outlets and shall be of such temperature as to accomplish a thorough cleanup.

1540.2030 ANIMALS SLAUGHTERED WITHOUT ANTEMORTEM AND POSTMORTEM INSPECTION.

Except as provided under provisions for custom processing in parts ~~1540.4450~~ 1540.4455 to 1540.4490; no carcass of an animal which has not had antemortem and postmortem inspection in accordance with these parts shall be brought into an official establishment.

1540.2470 MARKING FOR CERTAIN ADDED INGREDIENTS.

When cereal, vegetable starch, starchy vegetable flour, soya flour, dried milk, or nonfat dry milk is added to sausage ~~within the limits prescribed under part 1545.0010~~, the product shall be marked with the name of each of such added ingredients, as for example, "cereal added," "potato flour added," "cereal and potato flour added," "soya flour added," "nonfat dry milk added," "cereal and nonfat dry milk added," etc., as the case may be. On sausage of the smaller varieties, the marking prescribed in this part may be limited to links bearing the inspection legend.

1540.2870 FALSE IMPRESSION OR FALSE INDICATION OF ORIGIN OR QUALITY.

No statement, word, picture, design, or device which conveys any false impression or gives any false indication of origin or quality shall appear on any label. For examples, see parts 1540.2880 to ~~1540.3400~~ 1540.3130.

1540.3030 CEREAL, VEGETABLE STARCH, STARCHY VEGETABLE FLOUR, SOYA FLOUR, DRIED MILK, OR NONFAT DRY MILK.

When cereal, vegetable starch, starchy vegetable flour, soya flour, dried milk, or nonfat dry milk is added to sausage ~~within the limits prescribed under part 1545.0010~~, there shall appear on the label in a prominent manner, contiguous to the name of the product the name of each such added ingredients, as for example, "cereal added," "potato flour added," "cereal and potato flour added," "soya flour added," "nonfat dry milk added," "cereal and nonfat dry milk added," as the case may be.

1540.3530 PRODUCT ENTERING OFFICIAL ESTABLISHMENTS.

Except as provided in parts 1540.2030 and ~~1540.4440~~ 1540.4455 to 1540.4510, no product shall be brought into an official establishment unless it has been federally inspected, state inspected, or state approved inspected and passed, nor unless it can be identified by marks, seals, brands, or labels as having been so inspected and passed. All products brought into an official establishment in compliance with this chapter shall be identified and reinspected at the time of receipt, and be subjected to further reinspection in such manner and at such times as may be deemed necessary. If upon such reinspection any article is found to be unsound, unhealth-

ful, unwholesome, or otherwise unfit for human food, the original mark, stamp, or label shall be removed or defaced and the article condemned.

1540.4455 IDENTIFICATION OF CARCASS.

In state licensed establishments each custom processed carcass must be identified ~~as described in part 1540.4450~~ immediately after being slaughtered, eviscerated, and rinsed. Such identification must be made of each carcass and part of carcass prior to being moved from the slaughter room to the drip cooler or elsewhere.

1540.4460 IDENTIFICATION DURING PROCESSING.

All product on hand which is being or has been custom processed must be clearly identified ~~as required in part 1540.4450~~ during all stages of processing, cooling, packaging, freezing, storage, and shipment. Each batch of custom processed product being ground, chopped, mixed, or cut up must be identified ~~as required in part 1540.4450~~ by using a tag or other approved device placed directly on the product or the container, table, shelf, or equipment holding such product.

1540.4480 IDENTIFYING PRODUCT DERIVED FROM FARM SLAUGHTER.

Any product received at a state licensed establishment which does not bear the federal or state meat inspection legend must be immediately identified and kept marked and identified as required by ~~parts 1540.4450 to~~ part 1540.4460.

1540.4490 PRODUCT DERIVED FROM GAME.

Venison and other product derived from game animals received for custom processing or storage at a state licensed establishment must be handled and identified in the same manner as is specified for products under ~~parts 1540.4450 to~~ part 1540.4460.

1545.0200 USE OF TENDERIZING SOLUTIONS.

Meat tenderizing solutions consisting of water, salt, monosodium glutamate, papain, or other ingredients approved by the commissioner of agriculture may be applied or injected into primal cuts or consumer cuts of beef provided all treated beef cuts shall be branded, stamped, or labeled with a term specifying the specific tenderizing solution applied such as "dipped in a solution of papain" or "treated with a solution of papain and bromelin" in addition to all other required labeling during all stages of processing, storage, transportation, and sale. ~~Treated beef cuts shall be identified as required by parts 1545.0030 to 1545.0770 until received by the ultimate consumer or purveyor of meals;~~ Treatment of the product shall not result in a gain in weight of more than three percent above the weight of the untreated product.

1545.0300 LABELING GROUND BEEF PRODUCTS.

Ground beef products intended as food for human consumption in sandwich, package, bulk, or patty form which use "ground beef" or "chopped beef" as the name of the product or as part of the name of the product shall contain no meat or meat products other than meat or meat products which ~~meet the requirements of part 1545.0720~~ comply with Minnesota Rules.

1545.0310 LABELING HAMBURGER PRODUCTS.

Hamburger products intended as food for human consumption in sandwich, package, bulk, or patty form which use "hamburger" or "burger" as the name of the product or as part of the name of the product shall contain no meat or meat product other than meat or meat products which ~~meet the requirements of part 1545.0710~~ comply with Minnesota Rules.

1555.6660 PACKAGED POTATOES LABELING.

~~Except as noted in part 1555.6710, All potatoes offered for sale in packaged form (closed containers), in addition to one of the grades specified in parts 1555.6550 to 1555.6580:~~

A. shall be labeled with the name "potatoes," the net weight, and the name and address, including the zip code, of the packer or distributor, and said label shall not be false or misleading in any particular. If the distributor's name is used, it shall be qualified with the word "distributor" or its equivalent. The variety of potatoes may be named on the label, and, if the variety is named, the potatoes in the labeled container shall conform to the variety named. Tag labels, ~~as described in part 1555.6670,~~ may be used;

B. shall not be packaged in a transparent container which is artificially colored ~~as described in part 1555.6540;~~ and

C. shall not be labeled unclassified.

<p>KEY: PROPOSED RULES SECTION — <u>Underlining</u> indicates additions to existing rule language. Strike outs indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." ADOPTED RULES SECTION — <u>Underlining</u> indicates additions to proposed rule language. Strike outs indicate deletions from proposed rule language.</p>
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Proposed Rules

REPEALER. *Minnesota Rules*, parts 1540.0580; 1540.1390; 1540.2460; 1540.3140; 1540.3150; 1540.3160; 1540.3170; 1540.3180; 1540.3190; 1540.3200; 1540.3210; 1540.3220; 1540.3230; 1540.3240; 1540.3250; 1540.3260; 1540.3270; 1540.3280; 1540.3290; 1540.3300; 1540.3310; 1540.3320; 1540.3330; 1540.3340; 1540.3350; 1540.3360; 1540.3370; 1540.3380; 1540.3390; 1540.3400; 1540.3410; 1540.3510; 1540.3580; 1540.3590; 1540.3650; 1540.3660; 1540.3670; 1540.3680; 1540.3690; 1540.3710; 1540.3720; 1540.3730; 1540.3740; 1540.3750; 1540.3770; 1540.3790; 1540.3800; 1540.3810; 1540.3820; 1540.3830; 1540.3840; 1540.3850; 1540.3860; 1540.3870; 1540.3880; 1540.3890; 1540.3900; 1540.3910; 1540.3920; 1540.3930; 1540.3940; 1540.4130; 1540.4160; 1540.4170; 1540.4180; 1540.4230; 1540.4240; 1540.4250; 1540.4260; 1540.4280; 1540.4310; 1540.4380; 1540.4390; 1540.4400; 1540.4410; 1540.4420; 1540.4430; 1540.4440; 1545.0010; 1545.0020; 1545.0030; 1545.0040; 1545.0050; 1545.0060; 1545.0070; 1545.0080; 1545.0090; 1545.0100; 1545.0110; 1545.0120; 1545.0130; 1545.0140; 1545.0240; 1545.0330; 1545.0340; 1545.0350; 1545.0420; 1545.0430; 1545.0440; 1545.0450; 1545.0460; 1545.0470; 1545.0480; 1545.0490; 1545.0500; 1545.0510; 1545.0520; 1545.0530; 1545.0540; 1545.0550; 1545.0560; 1545.0570; 1545.0580; 1545.0590; 1545.0600; 1545.0610; 1545.0620; 1545.0630; 1545.0640; 1545.0650; 1545.0660; 1545.0670; 1545.0680; 1545.0690; 1545.0700; 1545.0710; 1545.0720; 1545.0730; 1545.0740; 1545.0750; 1545.0760; 1545.0770; 1545.1480; 1545.1730; 1545.1800; 1545.1810; 1545.1820; 1545.1830; 1545.1840; 1545.1850; 1545.2080; 1545.2090; 1545.2100; 1545.2110; 1545.2120; 1545.2130; 1545.2140; 1545.2150; 1545.2160; 1545.2170; 1545.2180; 1545.2190; 1545.2200; 1545.2210; 1545.2220; 1545.2230; 1545.2240; 1545.2250; 1545.2260; 1545.2270; 1545.2280; 1545.2290; 1545.2300; 1545.2310; 1545.2320; 1545.2330; 1545.2340; 1545.2350; 1545.2360; 1545.2370; 1545.2380; 1545.2390; 1545.2400; 1545.2410; 1545.2420; 1545.2430; 1545.2440; 1545.2450; 1545.2460; 1545.2470; 1545.2480; 1545.2490; 1545.2500; 1545.2510; 1545.2520; 1545.2530; 1545.2540; 1545.2550; 1545.2560; 1545.2570; 1545.2580; 1545.2590; 1545.2600; 1545.2610; 1545.2620; 1545.2630; 1545.2640; 1545.2650; 1545.2660; 1545.2670; 1545.2680; 1545.2690; 1545.2700; 1545.2710; 1545.2720; 1545.2740; 1545.2750; 1545.2760; 1545.2770; 1545.2780; 1545.2790; 1545.2800; 1545.2810; 1545.2820; 1545.2830; 1550.0050; 1550.0070; 1550.0210; 1550.0220; 1550.0230; 1550.0240; 1550.0250; 1550.0260; 1550.0270; 1550.0300; 1550.0310; 1550.0340; 1550.0590; 1550.0610; 1550.0620; 1550.0860; 1550.0990; 1550.1640; 1550.2110; 1555.6330; 1555.6340; 1555.6350; 1555.6360; 1555.6365; 1555.6370; 1555.6380; 1555.6390; 1555.6400; 1555.6410; 1555.6420; 1555.6430; 1555.6440; 1555.6450; 1555.6460; 1555.6470; 1555.6480; 1555.6490; 1555.6500; 1555.6510; 1555.6520; 1555.6530; 1555.6540; 1555.6550; 1555.6560; 1555.6570; 1555.6580; 1555.6590; 1555.6600; 1555.6610; 1555.6620; 1555.6630; 1555.6640; 1555.6650; 1555.6670; 1555.6680; 1555.6690; 1555.6700; and 1555.6710, are repealed.

Board of Pharmacy

Proposed Permanent Rules Relating to Pharmacists

NOTICE OF INTENT TO ADOPT RULES WITHOUT A PUBLIC HEARING

Proposed Amendment to Rules Relating to Lighting Standards, Patient Counseling, Internship, Controlled Substance Rescheduling, Expiration Dates, and Lunch Breaks for Pharmacists, *Minnesota Rules*, 6800.0100 et seq

Introduction. The Board of Pharmacy intends to adopt rules without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28, and rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310. You may submit written comments on the proposed rules and may also submit a written request that a hearing be held on the rules until February 15, 2002.

Agency Contact Person. Comments or questions on the rules and written requests for a public hearing on the rules must be submitted to the agency contact person. The agency contact person is: David Holmstrom, at the Minnesota Board of Pharmacy, 2829 University Avenue SE, Suite 530, Minneapolis, MN 55414-3251, **phone:** (612) 617-2201, **fax:** (612) 617-2212.

Subject of Rules and Statutory Authority. The proposed rules are about Lighting Standards, Patient Counseling, Internship, Controlled Substance Rescheduling, Expiration Dates, and Lunch Breaks for Pharmacists. The statutory authority to adopt the rules is *Minnesota Statutes*, section 151.06 and 152.02. The proposed rule package establishes minimum lighting standards for prescription dispensing areas of a pharmacy, expands the patient counseling standards of OBRA 90 to all patients, not just Medicaid patients, schedules or reschedules several controlled substances in order to bring Minnesota's requirements into conformity with federal requirements, amends expiration date limits on repackaged drugs to conform with USP standards, provides authorization of lunch or rest breaks for pharmacists, and repeals an obsolete section of the rules (6800.7520 subp. 1 G) relating to dispensing of drugs from hospital emergency rooms. A free copy of the rules proposed for change is available upon request from the agency contact person listed above or from the Board's **website** at: www.phcybrd.state.mn.us

Comments. You have until 4:30 p.m. on February 15, 2002, to submit written comments in support of or in opposition to the proposed rules and any part or subpart of the rules. Your comments must be in writing and received by the agency contact person by the due date. Comments are encouraged. Your comments should identify the portion of the proposed rules addressed and the reason for the comments. You are encouraged to propose any change desired. Any comments that you would like to make on the legality of the proposed rules must also be made during this comment period.

Request for a Hearing. In addition to submitting comments, you may also request that a hearing be held on the rules. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:30 p.m. on February 15, 2002. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rules to which you object or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and cannot be counted by the agency when determining whether a public hearing must be held. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

Withdrawal of Requests. If 25 or more persons submit a valid written request for a hearing, a public hearing will be held unless a sufficient number withdraw their requests in writing. If enough requests for hearing are withdrawn to reduce the number below 25, the agency must give written notice of this to all persons who requested a hearing, explain the actions the agency took to effect the withdrawal, and ask for written comments on this action. If a public hearing is required, the agency will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

Modifications. The proposed rules may be modified as a result of public comments. The modifications must be supported by comments and information submitted to the agency, and the adopted rules may not be substantially different than these proposed rules. If the proposed rules affect you in any way, you are encouraged to participate in the rulemaking process.

Statement of Need and Reasonableness. A statement of need and reasonableness is now available from the agency contact person. This statement contains a summary of the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. Copies of the statement may be obtained at the cost of reproduction from the agency.

Adoption and Review of Rules. If no hearing is required, the agency may adopt the rules after the end of the comment period. The rules and supporting documents will then be submitted to the Office of Administrative Hearings for review for legality. You may ask to be notified of the date the rules are submitted to the office. If you want to be so notified, or want to receive a copy of the adopted rules, or want to register with the agency to receive notice of future rule proceedings, submit your request to the agency contact person listed above.

David E. Holmstrom
Executive Director

6800.0700 PHARMACY, SPACE, AND SECURITY.

Subpart 1. **Minimum requirements.** No person shall be issued a license to conduct a pharmacy located in Minnesota unless the pharmacy:

[For text of items A to C, see M.R.]

D. is surrounded by a continuous partition or wall extending from the floor to the permanent ceiling, containing doors capable of being securely locked to prevent entry when the pharmacy is closed; ~~and~~

E. in the case of a community/retail pharmacy, contains an area where consultation between the patient and the pharmacist may be conducted with an assurance of privacy. Community/retail pharmacies in existence on February 1, 1999, have until February 1, 2001, to comply with this item; ~~and~~

F. is lighted to a level of not less than 75-foot candles measured in the major work areas.

[For text of Subp 2, see M.R.]

6800.0910 PATIENT ACCESS TO PHARMACIST.

[For text of subpart 1, see M.R.]

Subp. 2. **Description of procedure.** When dispensing a prescription for a ~~Medicaid~~ patient, a pharmacist must offer to consult with the patient or the patient's agent or caregiver and inquire about the patient's understanding of the use of the medication. The

<p>KEY: PROPOSED RULES SECTION — <u>Underlining</u> indicates additions to existing rule language. Strike outs indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." ADOPTED RULES SECTION — <u>Underlining</u> indicates additions to proposed rule language. Strike outs indicate deletions from proposed rule language.</p>
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pharmacist's designee may make the offer of counseling on the pharmacist's behalf, but the pharmacist must personally initiate and conduct the counseling if the offer is accepted.

Upon receipt of a new prescription or a new prescription drug order, following a review of the patient's record, and upon acceptance of an offer to consult, a pharmacist shall personally initiate discussion of matters which in the professional judgment of the pharmacist will enhance or optimize drug therapy with each patient ~~receiving Medicaid benefits~~ or the agent or caregiver of the patient. The discussion shall be in person, whenever practicable, may be supplemented with written material, and shall include appropriate elements of patient counseling. These elements include the following:

[For text of items A to I, see M.R.]

J. pharmacist comments relevant to the patient's drug therapy, including any other information peculiar to the specific patient or drug.

If a prescription drug has been previously dispensed to a patient, the pharmacist or the pharmacist's designee shall attempt to determine if the patient has experienced any unexpected or unusual reactions or changes in health, whether the patient has experienced the expected outcome, whether the patient is using the medication as prescribed, and whether the patient has been using any over-the-counter or prescription drugs not in the patient's record since the last visit to the pharmacy. If the pharmacist's review of the patient's record or discussions with the patient reveal any of the conditions listed in part 6800.3110, subpart 4, the pharmacist or the pharmacist's designee must offer counseling by the pharmacist to the patient or the patient's agent or caregiver regarding those conditions or problems. The consultation must be in person whenever practicable.

If a prescription drug has been previously dispensed to a patient and the patient's record shows no change in the dose, dosage form, strength, or directions for use, and if none of the conditions listed in part 6800.3110, subpart 4, are present, the pharmacist or the pharmacist's designee must offer counseling by the pharmacist to the patient or caregiver.

A pharmacist may vary or omit the patient information if, in the pharmacist's professional judgment, the variation or omission serves the best interest of the patient because of the particular individual circumstances involved. If there is any material variation from the minimal information required by this subpart in the information provided or, if consultation is not provided, that fact and the circumstances involved shall be noted on the prescription, in the patient's records, or in a specially developed log.

Personal communication by the pharmacist is not required for ~~hospitals dispensing Medicaid covered outpatient drugs, using the hospital's drug formulary system and billed at no more than the hospital's purchasing costs,~~ for inpatients of a hospital or other institution, such as a licensed nursing home, where other licensed health care professionals are authorized to administer the drugs, or where a patient or patient's agent or caregiver has expressed a desire not to receive the consultation. When a new prescription or a refilled prescription for which counseling is required is being mailed or delivered to the patient by common carrier or delivery services, the consultation must still be provided but may be accomplished by providing written information to the patient regarding the medication being dispensed and the availability of the pharmacist to answer questions, and through the provision of a toll-free phone number for long distance calls.

Nothing in this part shall prohibit pharmacists from charging for these services.

6800.1300 RECIPROCITY.

[For text of subs 1 to 4, see M.R.]

Subp. 5. ~~Written and oral Examination.~~ Applicants for reciprocal licensure shall be required to display their familiarity with the laws regulating the practice of pharmacy in Minnesota by submitting to an examination on the Minnesota laws and rules and the federal laws and regulations governing the practice of pharmacy.

[For text of subp 6, see M.R.]

6800.2150 PHARMACIST ON DUTY.

A. A pharmacy or satellite pharmacy shall have at least one licensed pharmacist on duty and physically present in the pharmacy at all times that the pharmacy is open for the transaction of business except that brief absences of the pharmacist arising out of and in the course of pharmacy practice are allowable.

~~Except as provided in part 6800.7530, B.~~ When a pharmacy is closed ~~and or~~ there is no pharmacist on duty, other individuals shall not be allowed access to the pharmacy ~~except as provided in item C or part 6800.7530. In pharmacies where there are two or more pharmacists on duty, the pharmacists shall stagger their breaks so that the pharmacy is not left without a pharmacist for a temporary period.~~

C. ~~In any pharmacy that is staffed by a single pharmacist, the pharmacist may leave the pharmacy temporarily for meal periods without closing the pharmacy and removing ancillary staff from the pharmacy if the pharmacist reasonably believes that the security of the dangerous drugs and devices will be maintained in the pharmacist's absence. If, in the professional judgment of the pharmacist, for reasons of security or otherwise, the pharmacist determines that the pharmacy should close during the pharmacist's~~

absence, then the pharmacist shall close the pharmacy and remove all ancillary staff from the pharmacy during the absence. If the pharmacist, in the exercise of the pharmacist's professional judgment, determines that the pharmacy may remain open during the pharmacist's temporary absence, subitems (1) to (7) apply.

(1) During the pharmacist's temporary absence, no prescription medication may be provided to a patient or to a patient's agent unless the prescription medication is a refill medication that the pharmacist has checked and released for furnishing to the patient and for which the pharmacist has determined that consultation by a pharmacist is not required. If the pharmacist determines that a prescription medication is not a refill medication or has determined that the refill medication requires the consultation of the pharmacist, then the pharmacist must clearly and conspicuously note on the prescription medication that the prescription medication is one that may not leave the pharmacy during the pharmacist's absence.

(2) During the pharmacist's temporary absence, a sign must be clearly and conspicuously posted stating that no pharmacist is presently on duty and no pharmacy technician, pharmacist intern, or any other person presently in the pharmacy may counsel on prescriptions or offer advice on the use of over-the-counter medications or dietary supplements.

(3) During the pharmacist's temporary absence, ancillary staff may continue to perform the nondiscretionary duties authorized to them by law or by board rule. However, the pharmacist, upon returning to the pharmacy, shall review all work performed by any member of the ancillary staff and shall document the review.

(4) During the pharmacist's temporary absence, a pharmacist intern is considered ancillary staff, and may not perform any discretionary duties or otherwise act as a pharmacist.

(5) During the pharmacist's temporary absence, ancillary staff may not take prescription orders by telephone from a prescriber or a prescriber's agent. If a prescriber or a prescriber's agent orders a prescription by telephone, the pharmacist must be available to take the order.

(6) The temporary absence authorized by this part is limited to 30 minutes. The pharmacist who is on break need not remain in the pharmacy area during the break period. However, the pharmacist who is on break shall remain in the building where the pharmacy is located and be available for patient consultation if requested.

(7) The pharmacy must have written policies and procedures regarding the operations of the pharmacy during the temporary absence of the pharmacist for breaks. The policies and procedures must include authorized duties of ancillary staff, the pharmacist's responsibilities for checking all work performed by ancillary staff, and the pharmacist's responsibility for maintaining the security of the pharmacy. The policies and procedures must be open for inspection by the Minnesota Board of Pharmacy or its designee at all times during business hours.

6800.3110 PATIENT MEDICATION PROFILES.

[For text of subpart 1, see M.R.]

Subp. 2. **Minimum information required; generally.** A reasonable effort must be made by the pharmacy to obtain, record, and maintain at least the following information regarding individuals obtaining prescription services at the pharmacy:

A. name, address, telephone number, date of birth or age, and gender; ~~and~~

B. individual history where significant, including disease state or states, known allergies and drug reactions, and a comprehensive list of medications and relevant devices being used showing the prescription number, the name and strength of the drug or device, the quantity and date received by the patient, and the name of the prescriber; if this information is obtained by someone other than the pharmacist, the pharmacist must review the information with the patient; ~~and~~

C. pharmacist comments relevant to the individual's drug therapy, including, where appropriate, documentation of the following for each prescription:

(1) the pharmaceutical care needs of the patient;

(2) the services rendered by the pharmacist; and

(3) the pharmacist's impression of the patient's drug therapy.

This documentation is not required for residents of a licensed nursing home where a consultant pharmacist is performing regular drug regimen reviews.

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Subp. 2a. [See repealer.]

[For text of subp 3, see M.R.]

Subp. 4. **Drug use review for Medicaid patients.** Upon receiving a prescription, prescription drug order, or prescription refill request for a Medicaid patient, a pharmacist shall examine the patient's profile record and conduct a prospective drug review to identify:

[For text of items A to G, see M.R.]

[For text of subps 5 and 6, see M.R.]

6800.3350 EXPIRATION DATES.

[For text of subps 1 and 2, see M.R.]

Subp. 3. **Unit-of-use and blister card packages.** An expiration date of not more than ~~one fourth of the period of time from the packaging date to the manufacturer's expiration date, up to a maximum of six months~~ one year from the packaging date or the time remaining to the manufacturer's expiration date, whichever is less, shall be placed on all unit-of-use and blister card packaging whether prepared by the pharmacist at the time of dispensing or prepared earlier in anticipation of the dispensing.

[For text of subp 4, see M.R.]

6800.4210 SCHEDULE I CONTROLLED SUBSTANCES.

Schedule I shall consist of the drugs and other substances, by whatever official name, common or usual name, chemical name, or brand name designated, listed in this part.

[For text of items A to D, see M.R.]

E. Depressants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system including its salts, isomers, and salts of isomers:

(1) Flunitrazepam

(2) Gamma-hydroxybutyric acid (some other names include GHB, gamma-hydroxybutyrate, 4-hydroxybutanoic acid, sodium oxybate, sodium oxybutyrate);

(3) Mecloqualone;

(4) Methaqualone;

[For text of item F, see M.R.]

6800.4220 SCHEDULE II CONTROLLED SUBSTANCES.

The following items are listed in Schedule II:

[For text of item A, see M.R.]

B. Substances, vegetable origin, or chemical synthesis. Unless specifically excepted or unless listed in another schedule, any of the following substances whether produced directly or indirectly by extraction from substances of vegetable origin or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

(1) Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate, excluding apomorphine, dextrophan, nalbuphine, nalmefene, naloxone, and naltrexone, and their respective salts, but including the following:

Statutory Name	Some examples of common names, trade names, or names of products which contain a controlled substance.
(a) Raw opium	
(b) Opium extracts	
(c) Opium fluidextracts	
(d) Powdered opium	
(e) Granulated opium	
(f) Tincture of opium	Laudanum
(g) Codeine	Methylmorphine
(h) <u>Dihydroetorphine</u>	

(i) Ethylmorphine	Dionin
(+) (j) Etorphine hydrochloride	
(+) (k) Hydrocodone	Dihydrocodeinone
(+) (l) Hydromorphone	Dihydromorphinone, Dilaudid
(+) (m) Metopon	
(+) (n) Morphine	Chlor-Anodyne
(+) (o) Oxycodone	Dihydrohydroxycodone, Percodan, Nucodan
	Dihydrohydroxymorphinone, Numorphan
(+) (p) Oxymorphone	
(+) (q) Thebaine	

[For text of subitems (2) to (5), see M.R.]

C. Opiates. Unless specifically excepted or unless listed in another schedule any of the following opiates, including its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers whenever the existence of such isomers, esters, ethers, and salts is possible within the specific chemical designation, dextrorphan and levopropoxyphene excepted:

Statutory Name	Some examples of common names, trade names, or names of products which contain a controlled substance.
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[For text of subitems (1) to (26), see M.R.]

(27) <u>Remifentanil</u>	Sufenta
(28) <u>Sufentanil</u>	

[For text of items D to F, see M.R.]

G. Hallucinogenic substances.

~~(1) Dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in a U.S. Food and Drug Administration approved drug product.~~

(±) Nabilone	[another name for Nabilone:
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(±)-trans-3-(1,1-dimethylheptyl)-6,6a,7,8,10,10a-hexahydro-1-hydroxy-6,6-dimethyl-9H-dibenzo [b,d] pyran-9-one.]

6800.4230 SCHEDULE III CONTROLLED SUBSTANCES.

The following items are listed in Schedule III:

[For text of items A and B, see M.R.]

C. Depressants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a potential for abuse associated with a depressant effect on the central nervous system:

Statutory Name	Some examples of common names, trade names, or names of products which contain a controlled substance
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[For text of subitems (1) to (4), see M.R.]

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated “all new material.” **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

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(5) Any drug product containing gamma hydroxybutyric acid, including its salts, isomers, and salts of isomers, for which an application is approved under section 505 of the federal Food, Drug, and Cosmetic Act.

(6) Ketamine, its salts, isomers, salts of isomers

(7) Lysergic acid

~~(8)~~ (8) Lysergic acid amide

~~(9)~~ (9) Methyprylon

Noludar

~~(10)~~ (10) Sulfondiethylmethane

~~(11)~~ (11) Sulfonethylmethane

~~(12)~~ (12) Sulfonmethane

~~(13)~~ (13) Tiletamine and zolazepam and any salt thereof

[For text of items D to F, see M.R.]

G. Hallucinogenic substances. Dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in a United States Food and Drug Administration approved product.

6800.4240 SCHEDULE IV CONTROLLED SUBSTANCES.

The following items are listed in Schedule IV:

[For text of items A and B, see M.R.]

C. Depressants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

Statutory Name

Some examples of common names, trade names, or names of products which contain a controlled substance.

[for text of subitems (1) to (14), see M.R.]

(15) Dichloralphenazone

(16) Estazolam

~~(17)~~ (17) Ethchlorvynol

Placidyl

~~(18)~~ (18) Ethinamate

Valmid

~~(19)~~ (19) Ethyl Loflazepate

~~(20)~~ (20) Fludiazepam

~~(21)~~ (21) Flunitrazepam

[For text of subitems (21) to (47), see M.R.]

(48) Zaleplon

(49) Zolpidem

[For text of item D, see M.R.]

E. Stimulants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers, and salts of isomers:

Statutory Name	Some examples of common names, trade names, or names of products which contain a controlled substance
(1) Cathine ((+)-Norpseudoephedrine)	
(2) Diethylpropion	Tenuate, Tepanil
(3) Fencamfamine	
(4) Fenproporex	
(5) Mazindol	Sanorex
(6) <u>Mefenorex</u>	
(7) <u>Modafinil</u>	
(8) Pemoline (including organometallic complexes and chelates thereof)	Cylert
(7) (9) Phentermine	Wilpo, Fastin, Ionamin
(8) (10) Pipradrol	
(11) <u>Sibutramine</u>	
(9) (12) SPA ((-)-1-dimethylamino-1,2-diphenylethane)	

F. Other substances. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances, including its salts:

Statutory Name	Some examples of common names, trade names, or names of products which contain a controlled substance
(1) Pentazocine	Talwin
(2) <u>Butorphanol (including its optical isomers).</u>	

6800.5100 DEFINITIONS.

[For text of subs 1 and 2, see M.R.]

Subp. 3. **Concurrent time.** “Concurrent time” means internship experience gained during the fourth, fifth, and sixth academic years only, while a person is a full-time student carrying, in any given school term, 12 or more ~~quarter~~ credits.

[For text of subs 4 to 10, see M.R.]

6800.5300 REGISTRATION AND REPORTING.

[For text of subs 1 to 4, see M.R.]

Subp. 5. ~~**Examinations. Manual.** Examinations shall be administered approximately quarterly at times and locations that the board designates. These examinations shall be of a pretest and posttest nature bracketing the segments of the intern’s experience as the board deems appropriate. Interns will be required to attain a passing score on the posttest examination as verification of having met the minimum objectives of an internship before qualifying to sit for the examination for licensure as a pharmacist. Candidates for licensure by examination who are licensed as pharmacists in another state are exempt from this requirement. Interns completing 240 hours or more of their internship requirement in Minnesota must complete an internship manual, provided by the board, before the board will recognize the completed hours as acceptable for use in meeting the board’s internship requirement.~~

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated “all new material.” **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

Proposed Rules

[For text of subps 6 and 7, see M.R.]

6800.5400 TRAINING.

[For text of subps 1 to 5, see M.R.]

Subp. 6. **Evidence of completion.** Applicants for licensure as pharmacists who are examined and licensed after September 17, 1973, shall submit evidence that they have successfully completed not less than 1,500 hours of internship under the instruction and supervision of a preceptor. Effective May 1, 2003, candidates for licensure shall submit evidence that they have successfully completed not less than 1,600 hours of internship under the direction and supervision of a preceptor. Credit for internship shall be granted only to registered interns who have completed the third year of the five-year or six-year pharmacy curriculum, provided, however, that:

[For text of items A and B, see M.R.]

C. 860 hours of internship credit may be acquired through Pharm D clinical rotations on condition that the remaining 640 hours of the 1,500-hour total requirement is of a traditional compounding, patient counseling, and dispensing nature. Effective May 1, 2003, 800 hours of internship credit may be acquired through Pharm D clinical rotations on condition that the remaining 800 hours of the 1,600 hour total requirement is of a traditional compounding, patient counseling, and dispensing nature.

6800.7520 ADMINISTRATION.

Subpart 1. **Dispensing drugs.** Pharmaceutical service policies shall cover at least the following measures related to the control, accessibility, dispensing, and administration of drugs:

[For text of items A to F, see M.R.]

~~G. Developing a system to assure that outpatient drug dispensing through the emergency room after regular pharmacy hours complies with all laws and board rules relating to prepackaging, labeling, dispensing, and recordkeeping. The system shall limit dispensing done in the absence of the pharmacist and physician to an amount not exceeding a 72-hour supply. No controlled substances may be dispensed in this manner.~~

~~H.~~ Specifying the maintenance of permissible supplies of nonprescription drugs in nursing service units.

~~I.~~ H. Assuring that unused patient drugs, discontinued and outdated drugs, and containers with worn, illegible, or missing labels be returned to a pharmacist for disposition.

~~J.~~ I. Maintaining a drug recall procedure which can be implemented no more than 24 hours after recall notification by the manufacturer.

~~K.~~ J. Permitting the dispensing of drugs only pursuant to orders initiated by a licensed practitioner.

~~L.~~ K. Assuring that orders for drugs are transmitted to the pharmacy by the prescriber or by an order format which produces a direct copy or an electronically reproduced facsimile.

~~M.~~ L. Providing for a system of accountability for inpatient dispensing meeting the intent of the certification requirement of part 6800.3100.

~~N.~~ M. Requiring authorization for a standing order to be noted on the patient's medical record. Standing orders shall specify the circumstances under which the drug is to be administered, the drug, dosage, route, frequency of administration, and duration.

~~O.~~ N. Assuring that when drug therapy is not renewed on an established regular basis the therapy is limited either by the prescriber's specific indication or by automatic stop orders.

~~P.~~ O. Assuring that precautionary measures, including quality control documentation, for the safe admixture of parenteral products are developed in writing. Admixture preparation shall be limited to pharmacists, pharmacist-interns, supportive personnel under the supervision of a pharmacist, licensed practitioners, and licensed nurses. Furthermore, admixtures shall be labeled as in part 6800.7900, subpart 4, and must be prepared in a laminar or vertical flow hood whenever possible. Chemotherapy admixtures shall be prepared in a vertical flow hood whenever possible.

~~Q.~~ P. Assuring that investigational drug use is in accordance with state and federal law: basic information concerning the dosage form, route of administration, strength, actions, uses, side effects, adverse effects, interactions, and symptoms of toxicity of such drugs shall be available in the pharmacy (investigational drugs shall be distributed only from the pharmacy).

~~R.~~ Q. Assuring that the practice of drug reconstitution is performed only by pharmacists, licensed practitioners, licensed nurses, or hospital-authorized personnel under the supervision of licensed pharmacists, licensed practitioners, or licensed nurses.

~~S.~~ R. Developing, implementing, and maintaining a system of controlled substance and narcotic control in accordance with subitems (1) to (7).

[For text of subitems (1) to (7), see M.R.]

~~F. S.~~ Developing policies for the issuance of medications to patients who are going on leave from the facility. These policies may allow the preparation, by facility personnel responsible for overseeing medication administration, of a supply of medications, not to exceed a 72-hour supply, in paper envelopes or other more suitable containers for use by a patient temporarily leaving the facility at times when the facility's pharmacy is closed or cannot supply the needed medication in a timely manner. A container may hold only one medication. A label on the container shall include the date, the patient's name, the facility, the name of the medication, its strength, dose, and time of administration, and the initials of the person preparing the medication and label.

[For text of subp 2, see M.R.]

REPEALER. Minnesota Rules, part 6800.3110, subpart 2a, is repealed.

Adopted Rules

A rule becomes effective after the requirements of *Minnesota Statutes* §§14.05-14.28 have been met and five working days after the rule is published in the *State Register*, unless a later date is required by statutes or specified in the rule.

If an adopted rule is identical to its proposed form as previously published, a notice of adoption and a citation to its previous *State Register* publication will be printed.

If an adopted rule differs from its proposed form, language which has been deleted will be printed with strikeouts and new language will be underlined. The rule's previous *State Register* publication will be cited.

Expedited and Emergency Expedited Rules

Provisions for the Commissioner of Natural Resources to adopt emergency expedited Game and Fish Rules are specified in *Minnesota Statutes* §§ 84.027. The commissioner may adopt emergency expedited rules when conditions exist that do not allow the Commissioner to comply with the requirements for emergency rules. The Commissioner must submit the rule to the attorney general for review and must publish a notice of adoption that includes a copy of the rule and the emergency conditions. Emergency expedited rules are effective upon publication in the *State Register*, and may be effective up to seven days before publication under certain emergency conditions. Emergency expedited rules are effective for the period stated or up to 18 months.

Department of Human Services

Notice of Receiving Federal Approval for Adopted Permanent Rules Relating to Family Community Support Services

Adopted permanent rules relating to family community support services (*Minnesota Rules*, parts 9505.0323, 9505.0324, 9505.0326, and 9505.0327) were published at *State Register*, Volume 26, Number 4, pages 77 to 80 (26 SR 77) with the following note about effective date: "Parts 9505.0323, 9505.0324, 9505.0326, and 9505.0327, as amended, are effective five days after notice of federal approval is published in the *State Register*."

Notice is hereby given that federal approval has been received. The rules will be effective January 19, 2002.

Pollution Control Agency

Adopted Permanent Rules Relating to Funding Priorities for Municipalities With Sewer Extension Moratoriums

The rules proposed and published at *State Register*, Volume 26, Number 7, pages 184-185, August 13, 2001 (26 SR 184), are adopted as proposed.

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

Commissioners' Orders

Various agency commissioners are authorized to issue "commissioner's orders" on specified activities governed by their agency's enabling laws. See the *Minnesota Statutes* governing each agency to determine the specific applicable statutes. Commissioners' orders are approved by assistant attorneys general as to form and execution and published in the *State Register*. These commissioners' orders are compiled in the year-end subject matter index for each volume of the *State Register*.

Department of Transportation

Order No. 85932: Amended Order and Notice of Street and Highway Routes Designated and Permitted to Carry the Gross Weights Allowed under *Minnesota Statutes* § 169.825

WHEREAS, the Commissioner of Transportation has made his Order No. 80000, dated March 10, 1994, which order has been amended by Orders No's. 80212, 80246, 80580, 80861, 80881, 81000, 81092, 81371, 81511, 81557, 81641, 82955, 83138, 83536, 83616, 83720, 84056, 84222, 84232, 84256, 84353, 84354, 84439, 84532, 84902, 85225, 85246, 85668, and 85784, and 85922 designating and permitting certain street and highway routes, or segments of those routes, to carry the gross weights allowed under *Minnesota Statutes* § 169.825, and

WHEREAS, the Commissioner has determined that the additional following routes, or segment of routes, should be designated to carry the gross weights allowed under *Minnesota Statutes* § 169.825.

IT IS HEREBY ORDERED that Commissioner of Transportation Order No. 80000 is further amended this date by adding the following designated streets and highway routes, or segment of routes, as follows:

COUNTY ROADS

POLK COUNTY

- C.S.A.H. 12 FROM T.H. MN32 TO 0.5 MILES EAST OF T.H. MN32 AT NORTH LIMITS OF FERTILE (12 MONTH)

Dated this 31st day of December, 2001.

/s/ Elwyn Tinklenberg
Commissioner

Revenue Notices

The Department of Revenue began issuing revenue notices in July of 1991. Revenue notices are statements of policy made by the department that provide interpretation, detail, or supplementary information concerning a particular statute, rule, or departmental practice. The authority to issue revenue notices is found in *Minnesota Statutes* § 270.0604.

Department of Revenue

Revenue Notice # 02-01: Sales and Use Tax - Alcoholic Beverages, Dietary Supplements, and Tobacco

Introduction

Minnesota Statutes, section 297A.61, subdivision 3, defines "sale and purchase" to include the preparation of food for consideration. *Minnesota Statutes*, section 297A.67, subdivision 2, defines "food and food ingredients" to mean substances in liquid, concentrated, solid, frozen, dried, or dehydrated form, that are sold for ingestion or chewing by humans and are consumed for their taste or nutritional value. Subdivision 2 provides that food and food ingredients are exempt from Minnesota Sales Tax.

Under *Minnesota Statutes*, section 297A.67, subdivision 2, the following items are not considered food or food ingredients and are thus taxable: candy, soft drinks, food sold through vending machines, prepared foods, alcoholic beverages, dietary supplements, and tobacco. These definitions are effective for sales and purchases made after December 31, 2001.

Following are explanations of the following terms: alcoholic beverages, dietary supplements, and tobacco. These explanations must be read in conjunction with the statute to determine the final taxability of specific food items. Items that are not taxable under one of the provisions may still be subject to tax if they do not qualify as food or food ingredients.

Alcoholic Beverages

“Alcoholic beverages” as defined in *Minnesota Statutes*, section 297A.67, subdivision 2, means beverages that are suitable for human consumption and contain one-half of one percent or more of alcohol by volume. Food and food ingredients do not include alcoholic beverages. Thus, alcoholic beverages are subject to tax.

Alcoholic beverages include all alcoholic and malt beverages, including beer, ale, wine, and ice cream drinks, if they contain over one-half of one percent or more of alcohol. They are taxed whether sold for consumption on or off the premises.

Tobacco

“Tobacco” means cigarettes, or any other tobacco products as defined in *Minnesota Statutes*, section 297F.01. Food and food ingredients do not include tobacco. Thus, tobacco is subject to tax.

Dietary Supplements

“Dietary supplements” as defined in *Minnesota Statutes*, section 297A.67, subdivision 2, means a product that is intended to supplement the diet. These products

- (a) contain one or more of the following dietary ingredients (including concentrates, metabolites, constituents, extracts, or combinations of these ingredients): Vitamins; minerals; herbs and other botanicals; amino acids; or dietary substances used by humans to supplement the diet by increasing the total dietary intake;
- (b) are intended for ingestion in the form of a tablet, capsule, powder, softgel, gelcap, or liquid. If these products are not ingested in such form, they may still be considered dietary supplements as long as they are not offered as conventional food and are not meant to be used as a total meal or total diet; and
- (c) are required to be labeled as a dietary supplement as provided under the *Code of Federal Regulations*, title 21, section 101.36 and as identified on the box label.

Food and food ingredients do not include dietary supplements. Thus, dietary supplements are subject to tax.

Dietary supplements include powdered mixes specially designed for weight gain, weight loss or weight control programs irrespective of the fact that the products may substitute for some meals over a determinable period of time.

Dietary supplements do not include meal substitutes which are labeled with “Nutrition Facts”. These non-taxable items include: special dietary meals made by weight loss companies, vitamin-enriched milk, high protein flour, or breakfast bars.

Dated: 28 December 2001

Jennifer L. Engh
Assistant Commissioner for Tax Policy

Department of Revenue

Revenue Notice # 02-02: Sales and Use Tax - Soft Drinks

Introduction

Minnesota Statutes, section 297A.61, subdivision 3 defines “sale and purchase” to include the preparation of food for consideration. *Minnesota Statutes*, section 297A.67, subdivision 2, defines “food and food ingredients” to mean substances in liquid, concentrated, solid, frozen, dried, or dehydrated form, that are sold for ingestion or chewing by humans and are consumed for their taste or nutritional value. Subdivision 2 provides that food and food ingredients are exempt from Minnesota Sales Tax.

Under *Minnesota Statutes*, section 297A.67, subdivision 2, the following items are not considered food or food ingredients and are thus taxable: candy, soft drinks, food sold through vending machines, prepared foods, alcoholic beverages, dietary supplements, and tobacco. These definitions are effective for sales and purchases made after December 31, 2001.

Revenue Notices

Following is an explanation of “soft drinks.” This explanation must be read in conjunction with the statute to determine the final taxability of specific food items. Items that are not taxable under the term “soft drinks” may still be subject to tax if they do not otherwise qualify as food or food ingredients. For further information on prepared food, please refer to Revenue Notice # 01-12.

Soft Drinks

“Soft drinks,” as defined in *Minnesota Statutes*, section 297A.61, subdivision 32, means nonalcoholic beverages that contain natural or artificial sweeteners. Soft drinks do not include beverages that contain milk or milk products, soy, rice, or similar milk substitutes. Soft drinks do not include beverages that contain more than 50 percent vegetable or fruit juice.

Since soft drinks are not food or a food ingredient, they are subject to tax.

Beverages that are labeled fruit juice are subject to tax when the percentage of fruit juice content is not specified. Soft drinks are taxable regardless of the serving size, or the type of seller (i.e., they are taxable whether they are sold by a grocery store, restaurant, or vending machine).

Examples of Soft Drinks

- bottled or canned water that contains sweeteners;
- coffee and tea drinks that contain sweeteners;
- fruit ades, drinks, or nectars (containing 50% or less fruit juice);
- root beer.

Examples of Non-Taxable Beverages*

- apple cider;
- beverage powders or concentrates such as ground coffee, tea bags, and juice concentrate;
- carbonated or non-carbonated bottled or canned water that does not contain sweeteners;
- coffee drinks that contain milk;
- nonalcoholic beer that contains no sweeteners.

*These items are taxable if prepared by the seller, qualify as an alcoholic beverage, or sold through a vending machine.

Dated: 28 December 2001

Jennifer L. Engh
Assistant Commissioner for Tax Policy

Department of Revenue

Revenue Notice # 02-03: Corporate Franchise Tax - Revocation of Revenue Notice # 96-19

The Department of Revenue’s interpretation of *Minnesota Statutes*, section 290.35, regarding mutual life insurance companies’ credit against corporate franchise tax liability for “any taxes on premiums paid by it that are attributable to the period for which tax imposed under this chapter is imposed,” is no longer necessary.

Minnesota Statutes, section 290.35, imposing the corporate franchise tax on insurance companies was repealed effective for tax years beginning after December 31, 2000 and insurance companies are specifically exempted from taxation under *Minnesota Statutes*, chapter 290. (See, *Laws of Minnesota 2001*, 1st Special Session, chapter 5, article 9, sections 30(b) and 9, respectively.) Because of these law changes, the revenue notice interpreting the statute for the purposes of computing the gross premiums tax credit, with recomputed differential earnings amounts for attribution of income to a tax year, has no effect.

Based on this law change, Revenue Notice # 96-19, entitled “Corporate Franchise Tax - Mutual Life Insurance Companies,” is hereby revoked for tax years beginning after December 31, 2000.

Dated: 31 December 2001

Jennifer L. Engh
Assistant Commissioner for Tax Policy

Department of Revenue

Revenue Notice # 02-04: Sales and Use Tax - Candy

Introduction

Minnesota Statutes, section 297A.61, subdivision 3, defines “sale and purchase” to include the preparation of food for consideration. *Minnesota Statutes*, section 297A.67, subdivision 2, defines “food and food ingredients” to mean substances in liquid, concentrated, solid, frozen, dried, or dehydrated form, that are sold for ingestion or chewing by humans and are consumed for their taste or nutritional value. Subdivision 2 provides that food and food ingredients are exempt from Minnesota sales tax.

Under *Minnesota Statutes*, section 297A.67, subdivision 2, the following items are not considered food or food ingredients and are thus taxable: candy, soft drinks, food sold through vending machines, prepared foods, alcoholic beverages, dietary supplements, and tobacco. These definitions are effective for sales and purchases made after December 31, 2001.

Following is an explanation of “candy.” This explanation must be read in conjunction with the statute to determine the final taxability of specific food items. Items that are not taxable under the term “candy” may still be subject to tax if they do not otherwise qualify as food or food ingredients. For further information on prepared food, please refer to Revenue Notice # 01-12.

Candy

“Candy,” as defined in *Minnesota Statutes*, section 297A.61, subdivision 33, means a preparation of sugar, honey, or other sweeteners in combination with chocolate, fruits, nuts, or other ingredients or flavorings in the form of bars, drops, or pieces. Candy does not include food items containing flour or food items that require refrigeration.

Since candy is not a food or a food ingredient, it is subject to tax.

Candy does not include food items that contain any kind of flour such as whole wheat, rice, corn, or brown flour. Food items where the label lists flour as one of the ingredients are not candy. Flour does not include cornstarch.

Examples of Candy

- caramel-coated popcorn;
- honey roasted and honey coated nuts;
- gum;
- breath mints;
- caramel apples;
- fruit roll-ups;
- glazed apricots;
- marshmallows;
- sweet or semi-sweet cooking bars or chips;
- sugarless candy.

Examples of Food that is Not Candy*

- jam, jelly, honey, preserves, syrup (not in the form of bars, drops, or pieces);
- pretzels, cookies, cereal (contain flour);
- ice cream bars (require refrigeration);
- dried fruit (if it does not contain sugar).

*These items are taxable if prepared by the seller or sold through a vending machine.

Dated: 28 December 2001

Jennifer L. Engh
Assistant Commissioner for Tax Policy

Official Notices

Pursuant to Minnesota Statutes §§ 14.101, an agency must first solicit comments from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency by publishing a notice in the State Register at least 60 days before publication of a notice to adopt or a notice of hearing, and within 60 days of the effective date of any new statutory grant of required rulemaking. The State Register also publishes other official notices of state agencies and non-state agencies, including notices of meetings and matters of public interest.

Minnesota State Agricultural Society

Annual Meeting of the Society Friday 18 January to Sunday 20 January 2002

The 143rd annual meeting of the Minnesota State Agricultural Society, governing body of the Minnesota State Fair, will be held January 18, 19 and 20 at the Radisson South Hotel in Bloomington. The society's general business session is scheduled for 8:00 a.m., Sunday, January 20 at the Radisson South, followed by a meeting of the society's board of managers.

Complete programs of all scheduled events will be available at the hotel.

Department of Agriculture

Minnesota Rural Finance Authority

Notice of Public Hearing on the Issuance of an Agricultural Development Revenue Bond Under *Minnesota Statutes*, Chapter 41C on Behalf of 149 Acres of Bare Farmland in Wood Lake Township, Yellow Medicine County

NOTICE IS HEREBY GIVEN that a public hearing will be held on February 8, 2002, at 9:00 a.m., in Room 145 Department of Agriculture Building, 90 West Plato Boulevard, St. Paul, Minnesota, on a proposal that the Minnesota Rural Finance Authority (the Authority) issue its revenue bond under *Minnesota Statutes*, Chapter 41C, in order to finance the purchase of approximately 149 acres of bare farmland located approximately 2 miles north of Hanley Falls on MN Hwy. #23, then 1-1/2 miles east - the farm lies south and east of Township Road in Wood Lake Township, Yellow Medicine County, Minnesota on behalf of Bruce A. and Karen K. Gustafson, (the Borrower/s). The maximum aggregate face amount of the proposed bond issue is \$120,000.00. The revenue bond will be a limited obligation of the Authority, payable solely from the revenue pledged to the payment thereof. No holder of such revenue bond will ever have the right to compel any exercise of the taxing power of the State of Minnesota to pay the bond or the interest thereon, nor to enforce payment against any property of the Authority or the State of Minnesota, except the revenues specifically pledged to the payment thereof. Before issuing the revenue bond, the Authority will enter into an agreement with the borrower whereby the Borrower will be obligated to make payments at least sufficient at all times to pay the principal of and interest on such revenue bond when due. All persons interested may appear and be heard at the time and place set forth above, or may file written comments with the Executive Director of the Authority prior to the date of the hearing set forth above.

Dated: 2 January 2001

Jim Boerboom
RFA Director

Department of Agriculture

Minnesota Rural Finance Authority

Notice of Public Hearing on the Issuance of an Agricultural Development Revenue Bond Under *Minnesota Statutes*, Chapter 41C on Behalf of 103 Springing Heifers in Jackson Township, Scott County

NOTICE IS HEREBY GIVEN that a public hearing will be held on February 8, 2002, at 9:00 a.m., in Room 145 Department of Agriculture Building, 90 West Plato Boulevard, St. Paul, Minnesota, on a proposal that the Minnesota Rural Finance Authority (the Authority) issue its revenue bond under *Minnesota Statutes*, Chapter 41C, in order to finance the purchase of 103 springing heifers located one mile south of Shakopee, MN on Marystown Avenue in Section 14, Jackson Township, Scott County, Minnesota on behalf of William and Karen Naatz, (the Borrower/s). The maximum aggregate face amount of the proposed bond issue is

\$172,000.00. The revenue bond will be a limited obligation of the Authority, payable solely from the revenue pledged to the payment thereof. No holder of such revenue bond will ever have the right to compel any exercise of the taxing power of the State of Minnesota to pay the bond or the interest thereon, nor to enforce payment against any property of the Authority or the State of Minnesota, except the revenues specifically pledged to the payment thereof. Before issuing the revenue bond, the Authority will enter into an agreement with the borrower whereby the Borrower will be obligated to make payments at least sufficient at all times to pay the principal of and interest on such revenue bond when due. All persons interested may appear and be heard at the time and place set forth above, or may file written comments with the Executive Director of the Authority prior to the date of the hearing set forth above.

Dated: 2 January 2001

Jim Boerboom
RFA Director

Board of Animal Health

Quarterly Meeting of the Board of Animal Health

The Board of Animal Health will hold its quarterly meeting on Tuesday, February 12, 2002 at 9:30 a.m. at the Board's office in the Minnesota Department of Agriculture, 90 West Plato Boulevard, St. Paul, Minnesota.

Minnesota Board of Chiropractic Examiners

REQUEST FOR COMMENTS on Planned Rules Governing the Definition of the Practice of Chiropractic *Minnesota Rules, 2500.6000*

Subject of Rules. The Minnesota Board of Chiropractic Examiners requests comments on its planned rules governing the definition of the practice of chiropractic. The Board is considering rules that modify the current definition to include when a professional relationship begins, when it ends, and clarifying that the professional relationship is not contingent upon compensation for the care provided.

Persons Affected. The rules would likely affect doctors of chiropractic licensed in Minnesota and members of the public.

Statutory Authority. *Minnesota Statutes*, section 148.08, authorizes the Board to promulgate rules necessary to administer sections 148.01 to 148.105 to protect the health, safety, and welfare of the public, including rules governing the practice of chiropractic and defining any terms, whether or not used in sections 148.01 to 148.105, if the definitions are not inconsistent with the provisions of sections 148.01 to 148.015.

Public Comment. Interested persons or groups may submit comments or information on these planned rules in writing until further notice is published in the *State Register* that the Department intends to adopt or to withdraw the rules. The Board does not contemplate appointing an advisory committee to comment on the planned rules.

Rules Drafts. The Board has not yet prepared a draft of the planned rules and does not anticipate that a draft of the rules will be available before the publication of the proposed rules.

Agency Contact Person. Written comments, questions and requests for more information on these planned rules should be directed to: Micki King at The Minnesota Board of Chiropractic Examiners; 2829 University Ave SE, #300, Minneapolis MN, 55414-3220; **phone:** (612) 617-2226; **fax:** (612) 617-2224; and **email:** micki.king@state.mn.us. **TTY** users may call the Department at **TTY phone:** 1-800-627-3529.

Alternative Format. Upon request, this Request for Comments can be made available in an alternative format, such as large print, Braille, or cassette tape. To make such a request, please contact the agency contact person at the address or telephone number listed above.

NOTE: Comments received in response to this notice will not necessarily be included in the formal rulemaking record submitted to the administrative law judge when a proceeding to adopt rules is started. The agency is required to submit to the judge only those written comments received in response to the rules after they are proposed.

Dated: 7 January 2002

Larry A. Spicer, DC
Executive Director, Board of Chiropractic Examiners

Minnesota Board of Chiropractic Examiners

REQUEST FOR COMMENTS on Planned Rules Governing the Definition of Sexual Misconduct *Minnesota Rules, 2500.6050*

Subject of Rules. The Minnesota Board of Chiropractic Examiners requests comments on its planned rules governing the definition of sexual misconduct within the context of the practice of chiropractic.

Persons Affected. The rules would likely affect doctors of chiropractic licensed in Minnesota and members of the public.

Statutory Authority. *Minnesota Statutes*, section 148.08, authorizes the Board to promulgate rules necessary to administer sections 148.01 to 148.105 to protect the health, safety, and welfare of the public, including rules governing the practice of chiropractic and defining any terms, whether or not used in sections 148.01 to 148.105, if the definitions are not inconsistent with the provisions of sections 148.01 to 148.015.

Public Comment. Interested persons or groups may submit comments or information on these planned rules in writing until further notice is published in the *State Register* that the Department intends to adopt or to withdraw the rules. The Board does not contemplate appointing an advisory committee to comment on the planned rules.

Rules Drafts. The Board has not yet prepared a draft of the planned rules and does not anticipate that a draft of the rules will be available before the publication of the proposed rules.

Agency Contact Person. Written comments, questions and requests for more information on these planned rules should be directed to: Micki King at The Minnesota Board of Chiropractic Examiners; 2829 University Ave SE, #300, Minneapolis MN, 55414-3220; **phone:** (612) 617-2226; **fax:** (612) 617-2224; and **email:** micki.king@state.mn.us. **TTY** users may call the Department at **TTY phone:** 1-800-627-3529.

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NOTE: Comments received in response to this notice will not necessarily be included in the formal rulemaking record submitted to the administrative law judge when a proceeding to adopt rules is started. The agency is required to submit to the judge only those written comments received in response to the rules after they are proposed.

Dated: 7 January 2002

Larry A. Spicer, DC
Executive Director, Board of Chiropractic Examiners

Minnesota Comprehensive Health Association

Notice of Meeting of the Board of Directors

NOTICE IS HEREBY GIVEN that a meeting of the Minnesota Comprehensive Health Association's (MCHA) Board of Directors will be held at 1:00 p.m., on Tuesday, January 15, 2002, at the Radisson Hotel and Conference Center, 3131 Campus Drive, Plymouth, MN.

For additional information, please call Lynn Gruber at (952) 593-9609.

Minnesota Comprehensive Health Association

Notice of Meeting of Executive Committee

NOTICE IS HEREBY GIVEN that a meeting of the Minnesota Comprehensive Health Association's (MCHA) Executive Committee will be held at 11:00 a.m., on Thursday, January 17, 2002, at the MCHA Executive Office, 5775 Wayzata Boulevard, Suite 910, St. Louis Park, MN.

For additional information, please call Lynn Gruber at (952) 593-9609.

Minnesota Housing Finance Agency

Minnesota Department of Trade and Economic Development

Minnesota Department of Children, Families and Learning

Notice of Draft Report Availability and Public Comment for the State of Minnesota 2001 Consolidated Plan Annual Performance Report

Notice of Draft: Consolidated Plan Annual Performance Report

The State of Minnesota announces the publication of the 2001 Consolidated Plan Annual Performance Report, which includes the Analysis of Impediments to Fair Housing Choice Annual Updates (Updates) draft report, for public review and comment beginning January 15, 2002.

The Consolidated Plan Annual Performance Report (APR) is a report that the State submits annually to the U.S. Department of Housing and Urban Development (HUD) in order to qualify to receive Community Development Block Grant, HOME Investment Partnerships, Emergency Shelter Grant, and Housing Opportunities for People with AIDS funds. The APR reports on progress meeting the Consolidated Plan objectives. The Analysis of Impediments Annual Updates constitutes the annual Fair Housing Plan reporting portion of the APR.

The State of Minnesota wishes to encourage public comments on the APR. A draft copy of the APR will be available for public comment for 15 days between January 15, 2002 and January 30, 2002. The APR is also available on the Internet at www.mhfa.state.mn.us and at www.dted.state.mn.us, and in State Depositories. Hard copies can be requested by calling Heidi Whitney, Minnesota Housing Finance Agency, 1-800-657-3769 or (651) 296-9843.

The APR will be submitted to the U.S. Department of Housing and Urban Development (HUD) on or before February 15, 2002. The State will consider any comments of individuals or groups received in writing. A summary of the written comments and the State's responses will be included in the final 2001 APR.

Written public comments on the APR can be submitted to:

Heidi Whitney
Minnesota Housing Finance Agency
400 Sibley St.
Suite 300
St. Paul, MN 55101

Please send comments on the APR via **email:** heidi.whitney@state.mn.us

Please send comments specific to the Analysis of Impediments to Fair Housing Choice Annual Updates via **email:** pacyinz.lyfoung@state.mn.us

Department of Human Services

Purchasing and Service Delivery Division – Health Care Administration

Public Notice of Change in Medical Assistance Rates for Eyeglasses and Ophthalmic Materials

NOTICE IS HEREBY GIVEN to recipients and enrollees, providers of services under the Medical Assistance (MA) Program, and to the public of a change in the MA rates for eyeglasses and ophthalmic materials. This notice is published pursuant to 42 *Code of Federal Regulations* §447.205, which requires public notice of significant proposed changes in methods and standards for setting payment rates for fee-for-service MA services.

Effective January 1, 2002, the volume purchase contract for eyeglasses and ophthalmic materials was discontinued for MA fee-for-service recipients. Eyeglasses and ophthalmic materials are now paid by the Department through the usual fee-for-service process. Recipients may obtain eyeglasses and ophthalmic materials from any enrolled MA provider.

Official Notices

Pursuant to *Minnesota Rules*, part 9505.0445, item U, payment for these services is the lower of: 1) the submitted charge; or 2) .481 of the July 2001 Medicare rate.

These changes were made to ensure adequate access to these services for MA recipients throughout the state and to ensure that the Department obtained this access at a cost-effective rate.

The Department anticipates that the fiscal impact will be approximately \$323,780 for the last six months in State Fiscal Year 2002 (January 1, 2002 through June 30, 2002).

Pursuant to 42 *Code of Federal Regulations* §447.205(c)(5), the Department must provide an address where written comments may be sent and reviewed by the public. Comments and requests for rate information should be directed to:

Wendy Fox
Purchasing and Service Delivery, Health Care Administration
Minnesota Department of Human Services
444 Lafayette Road North
St. Paul, Minnesota 55155-3853
Phone: (651) 282-5261
Email: *Wendy.Fox@state.mn.us*

Department of Labor and Industry

Labor Standards Unit

Notice of Addition to Commercial Prevailing Wage Rates

An **additional** rate has been added to the Commercial Prevailing Wage Rates certified 12/17/01, for **Labor Code 103, Labor, Landscaping, in Morrison County.**

Copies of the certified wage rates for these Counties may be obtained by writing the Minnesota Department of Labor and Industry, Prevailing Wage Section, 443 Lafayette Road North, St. Paul, Minnesota 55155-4306, or by calling (651) 284-5091. Charges for the cost of copying and mailing are \$.65 per page. Make check or money order payable to the State of Minnesota.

Shirley I. Chase
Commissioner

Minnesota Minerals Coordinating Committee

Notice of Committee Meetings

NOTICE IS HEREBY GIVEN that meetings of the Minerals Coordinating Committee will be held on the following dates:

- **Friday, April 19, 2002, 11:00 a.m.,** Minnesota Geological Survey, 2642 University Avenue St. Paul, MN
- **Friday, June 21, 2002, 10:00 a.m.,** Natural Resources Research Institute, 5013 Miller Trunk Highway Duluth, MN
- **Friday, September 20, 2002, 11:00 a.m.,** Coleraine Minerals Research Laboratory, One Gayley Avenue, Coleraine, MN
- **Friday, December 13, 2002, 10:00 a.m.,** Hinckley, MN.

Meeting dates, times and locations are subject to change. For additional information, please call Maryanna Harstad at (651) 296-9554.

Department of Transportation

State Aid for Local Transportation Group

Petition of the Fillmore County Board for a Variance from Minimum State Aid Standards Regarding DESIGN SPEED

NOTICE IS HEREBY GIVEN that the Fillmore County Board has made written request to the Commissioner of Transportation pursuant to *Minnesota Rules* 8820.3300, for a variance from rules as they apply to the proposed Bridge No. 23567 construction project located on Fillmore County State Aid Highway No. 38, over Deer Creek in Spring Valley Township, replacing Existing Bridge Nos. 1298 and 1317.

The request is for a variance from *Minnesota Rules* for State Aid Operations 8820.9920, adopted pursuant to *Minnesota Statutes* Chapter 161 and 162, as they apply to the proposed construction of Bridge No. 23567 on Fillmore County State Aid Highway No. 38 over Deer Creek in Spring Valley Township, approximately 4 miles northeast of Spring Valley, so as to permit a 30 mph design speed, in lieu of the 40 mph minimum required by standards.

Any person may file a written objection to the variance request with the Commissioner of Transportation, Mail Stop 100 Transportation Building, 395 John Ireland Boulevard, St. Paul, Minnesota 55155.

If a written objection is received within 20 days from the date of this notice in the *State Register*, the variance can be granted only after a contested case hearing has been held on the request.

Dated: 8 January 2002

Julie A. Skallman
State Aid Engineer
State Aid for Local
Transportation

State Grants & Loans

In addition to requests by state agencies for technical/professional services (published in the State Contracts section), the *State Register* also publishes notices about grants and loans available through any agency or branch of state government. Although some grant and loan programs specifically require printing in a statewide publication such as the *State Register*, there is no requirement for publication in the *State Register* itself. Agencies are encouraged to publish grant and loan notices, and to provide financial estimates as well as sufficient time for interested parties to respond.

Department of Human Services

Aging Initiative

Notice of Request for Proposals to Expand Home- and Community-Based Services For Older Adults

The Minnesota Department of Human Services, Aging Initiative, is soliciting proposals from qualified applicants to expand home- and community-based services for older adults as directed by *Laws of Minnesota 2001*, First Special Session, Chapter 9, Article 4, Sections 3 and 32. The goal of the Community Service/Community Services Development grants awarded under this Request for Proposals (RFP) process are to help communities rebalance their long-term care service system for persons age 65 years and older by reducing reliance on nursing facility care and increasing the supply of home- and community-based services, including housing and services options. DHS will give preference to proposals from communities that have had or will have a voluntary nursing facility closure.

DHS is seeking proposals that will: 1. Increase home- and community-based services in target communities, especially housing and services; 2. Increase the proportion of older Minnesotans using home- and community-based services in target communities; 3.

State Grants & Loans

Increase the use of informal and quasi-formal care systems; and 4. Coordinate with existing services funded by State, Federal, and other sources.

Eligible applicants for the Community Service Grants and Community Services Development Grants are non-profit agencies and units of government. For-profit entities, including nursing facilities, housing owners and service providers, are eligible applicants for Community Services Development Grants. DHS encourages coordination and collaborations among applicants.

The Department intends to award grant contracts to qualified grantees in two additional funding cycles. The remaining funds not already awarded for FY 2002, approximately \$2,000,000, will be available to award April 15, 2002 (March 8 application deadline).

The total FY 2003 appropriation of \$6,000,000 will be available on July 1, 2002 (June 1 application deadline). These awards are contingent upon any further Legislative action.

Applicant Conferences will be held at the following locations:

January 28, Duluth, Arrowhead Regional Development Commission, 221 West First Street (1:30 - 3:30 PM)

January 29, Bemidji, Beltrami Electric Cooperative, 4111 Technology Drive (9:00 - 11:00 AM)

January 30, Crookston, University of Minnesota Conference Center, Rooms A & B (9:00 - 11:00 AM)

January 31, Marshall, Lyon County Government Center, Rooms 4 & 5 (9:00 - 11:00 AM)

February 4, West St. Paul, Dakota/Wentworth Library, 199 E. Wentworth Avenue (2:00 - 4:00 PM)

February 5, Rochester, Public Health Building, 2100 Campus Dr. (9:00 - 11:00 AM)

February 7, St. Cloud, St. Benedict's Senior Community, 1810 Minnesota Blvd. SE (9:00 - 11:00 AM)

February 7, Minnetonka, Ridgedale-Hennepin Library, 12601 Ridgedale Drive (1:30 - 3:30 PM)

The full text of the RFP, including proposal requirements and proposal evaluation criteria, is available on the internet at:

<http://www.dhs.state.mn.us/agingint/policy/cmtysrvs.htm>

or upon request by contacting:

Rolf Hage, Community Capacity Consultant

Aging Initiative

444 Lafayette Rd. S.

St. Paul, MN. 55155-3843

Phone: 1-800-882-6262

TTY: 1-800-627-3529

Email: Rolf.hage@state.mn.us

Department of Public Safety

Office of Drug Policy and Violence Prevention

Notice of Application for Continued Funding from the Bureau of Justice Assistance

The Office of Drug Policy and Violence Prevention is submitting an application for continued funding from the Bureau of Justice Assistance. The Edward Byrne Memorial State and Local Law Enforcement Assistance (Byrne) Program, authorized by the Anti-Drug Abuse Act of 1988, is administered by the Bureau of Justice Assistance (BJA) of the Office of Justice Programs (OJP), U.S. Department of Justice. The program is designed to assist states and local units of government in carrying out specific programs that offer a high probability of improving the functioning of the criminal justice system. Special emphasis is placed on drug-related and violent crime, serious offenders, and multi-jurisdictional and multi-state efforts to support the National Drug Control Strategy. Those wishing to comment on the application may contact Mary Ellison at the Department of Public Safety, **phone:** (651) 297-7883.

Department of Transportation

Program Delivery Group: Office of Freight, Railroads and Waterways

Applications Accepted Through the Port Development Assistance Program

The Minnesota Department of Transportation, Office of Freight, Railroads and Waterways is accepting applications for assistance through the Port Development Assistance Program from January 2, 2002 thru March 8, 2002. Program information may be obtained from, and applications will be accepted for the Commissioner of Transportation by:

Dick Lambert
Minnesota Department of Transportation
Office of Freight, Railroads and Waterways
395 John Ireland Blvd.
Mailstop 470
St. Paul, Minnesota 55155
Phone: (651) 296-1609
Fax: (651) 297-1887
Email: dick.lambert@dot.state.mn.us

State Contracts

Informal Solicitations

Effective December 1, 2001, informal solicitations for all contracting opportunities for professional/technical (consultant) contracts with values estimated to be over \$5,000 and under \$50,000 must be posted on the Department of Administration's, Materials Management Division's web page (www.mmd.admin.state.mn.us).

Formal Requests for Proposals

Department of Administration procedures require that formal notice of any professional/technical (consultant service) contract which has an estimated value over \$50,000 must be printed in the *State Register*. Certain quasi-state agencies and Minnesota State Colleges and Universities institutions are by law exempt from these requirements.

Department of Administration

Division of State Building Construction

Request for Proposal (RFP) for *Minnesota Statutes* 326.02-15 Licensed Professional Services to Map Building Features for State Building Sites, DSBC Project No. 02199GDX

A. Project Overview:

The Minnesota Department of Administration's Division of State Building Construction (State) has a need for locating and mapping building features identified in Paragraph C.2 below. Additional sites and/or features may be identified in the future. The locating and mapping services, as needed, will be provided over a five-year period.

B. Goal:

The goal of this project is to locate and map building features and to provide the State with an AutoCAD 2000 electronic copy of the data following the STATE OF MINNESOTA, Division of State Building Construction, Computer Aided Drafting Guidelines (State's CAD Guidelines), revised February 1, 1999, unless otherwise specified by the State.

This RFP does not obligate the State to complete the project and the State reserves the right to cancel the solicitation if it is considered to be in its best interest. The State also reserves the right to contract for only a portion of the services identified in this RFP.

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Services are to begin immediately upon completion of a fully executed contract, which is anticipated to be the end of March 2002.

C. Work Scope: Work scope includes, but is not limited to the following:

1. Sites to be mapped

There are four major sites that need to be mapped:

1. Capitol Complex Buildings in St. Paul and Minneapolis
2. Department of Public Safety, Bureau of Criminal Apprehension Building in Bemidji
3. Duluth Government Service Center in Duluth
4. Department of Revenue Building in Ely

Site location maps are available on DSBC Web Site www.dsbc.admin.state.mn.us, select Solicitation Announcements, and select RFP—Building Feature Mapping.

Responder must be able to provide services for all sites. Proposals for individual sites will be rejected.

1.1 Capitol Complex					
Bldg ID #	Building Name	Address	City	State	Zip Code
310237	321 Grove St. - #1	321 Grove	St. Paul	MN	55155
310238	321 Grove St. - #2	603 Pine	St. Paul	MN	55155
310111	625 N. Robert	625 North Robert Street	St. Paul	MN	55101
310112	635 N. Robert	635 North Robert Street	St. Paul	MN	55155
310113	671 N. Robert	671 North Robert Street	St. Paul	MN	55155
310109	691 N. Robert	691 North Robert Street	St. Paul	MN	55155
310101	Administration	50 Sherburne Avenue	St. Paul	MN	55155
310100	Capitol	75 Constitution Avenue	St. Paul	MN	55155
310107	Centennial	658 Cedar Street	St. Paul	MN	55155
310114	Ford	117 University Avenue	St. Paul	MN	55155
310124	Judicial	25 Constitution Avenue	St. Paul	MN	55155
310110	Power House	691 North Robert Street	St. Paul	MN	55155
310251	Retirement Systems	60 Empire Drive	St. Paul	MN	55103
310239	Stassen	600 North Robert Street	St. Paul	MN	55155
310104	State Office	100 Constitution Avenue	St. Paul	MN	55155
310105	Transportation	395 John Ireland Blvd	St. Paul	MN	55155
310106	Veterans Service	20 West 12th Street	St. Paul	MN	55155
310117	1246 University Ave.	1246 University Avenue	St. Paul	MN	55104

310263	BCA Maryland	Maryland Ave./Barclay St.	St. Paul	MN	
310118	Governor's Residence	1006 Summit Avenue	St. Paul	MN	55105
310258	Governor's Residence & Carriage House	1006 Summit Avenue	St. Paul	MN	55105
310119	Health	717 Delaware Street S.E.	Minneapolis	MN	55414
310115	History Center	345 Kellogg Blvd. West	St. Paul	MN	55102
Bldg ID #	Building Name	Address	City	State	Zip Code
1.2 Outstate Site — Bemidji					
310257	BCA in Bemidji	3700 North Noris Court NW	Bemidji	MN	
1.3 Outstate Site — Duluth					
310869	Duluth Government Service Center	320 West 2nd Street	Duluth	MN	55802
1.4 Outstate Site — Ely					
310255	Department of Revenue in Ely	760 East Miners Drive	Ely	MN	55731

2. Site Features to be Located: Site Features include, but are not limited to the following:

- Gas
- Cable TV
- Electric - Power, High Voltage, Parking Meter
- Petroleum - Exhaust, Tanks and Lines
- Emergency Generators
- Telephone/Communication
- Fiber and Copper
- Security - Cameras, Call Boxes
- Storm Sewer
- Sanitary Sewer
- Water Main
- District Heat
- Chilled Water
- Parking Meters
- High Voltage
- Irrigation System - as much as possible.
- Tunnels and Stairways
- Streetlights

State Contracts

- Pedestrian Lights (Plan to be provided)
- Monuments - Geodetic, Benchmarks, GPS Devices on fiber and other lines
- Sleeves - Future or extra conduits
- Buildings
- Sidewalks
- Curb lines
- Parking Lot Control Devices
- Street Centerlines

3. Locational Services

The location services are to be included in your proposal. Any location service company can be proposed for the project. The State will provide a copy of existing utility drawings for Capitol Complex Buildings.

4. Kickoff Meeting

A kickoff meeting is required, once the contract is in place, to discuss schedule, coordination with the utility companies (e.g. City of St. Paul regarding City utilities, Xcel, US West, etc.), incorporation of State employee knowledge, and State's CAD Guidelines that apply to the project.

5. Electronic Format

Data is to be provided in AutoCAD 2000 drawing format. Files, layers, and diskettes must follow the State's CAD Guidelines available on DSBC Web Site www.dsbc.admin.state.mn.us, select Solicitation Announcements, and select RFP—Building Feature Mapping.

6. Coordinate System

Mapping data is to be delivered in County Coordinates. The coordinates will be in North American Datum 1983/1986 adjustment (NAD83/86).

Metro Area and Capitol Complex sites will be delivered in Ramsey County Coordinates NAD83/86. Outstate sites will be delivered in the appropriate County Coordinate System NAD83/86.

7. Process to be Used

The successful Responder, once selected, will coordinate with State to schedule the project. The Responder will locate the features in County Coordinates NAD83/86 as identified and marked by the locating service.

Once located, the successful Responder will transfer the data into AutoCAD 2000 using the State's CAD Guidelines identified in Paragraph 5 above.

The State requires that staff knowledge of location of features be incorporated into the electronic data repository in the form of CAD files.

The Responder will provide the State with a check print and CAD file for review. The State will review the check print and CAD file for completeness of utilities, file format, and State's CAD guidelines and will submit a report to the successful Responder indicating additions and corrections that are needed.

The Responder will make additions and corrections as indicated by the State and will submit a final print and CAD file to the State.

8. Deliverables

Deliverables include:

- CAD files that comply with the State's CAD Guidelines showing the location of the features described in Paragraph C.2 above in County Coordinates NAD83/86
- 12 printed copies of each building site.

D. Proposal Content:

1. Qualifications Information: Responder must submit the following information in the order listed below:

- a) A statement of the objectives, goals and tasks to show or demonstrate the Responder's view of the nature of the contract services. A detailed work plan that will identify the major tasks for each building in each major area site identified in Paragraph C.1. above. Include a listing of the responder's personnel classification and hours anticipated for each task.

- b) A description of the deliverables to be provided by the responder.
 - c) A list of the Responder's personnel, including subconsultant personnel, who will conduct the project, detailing their training, work experience and hourly fees. No change in assigned personnel to the project will be permitted without the written approval of the State's project manager.
 - d) An outline of the Responder's background and experience with up to 3 completed project examples of similar work done.
 - e) An approximate schedule for locating and mapping all features for each building identified in Paragraphs C.1.1, C.1.2, C.1.3 and C.1.4 above.
 - f) Identification of the level of the State's participation in the contract, as well as any other services to be provided by the State, and details of cost allowance for this participation.
- 2. General Requirements:** Responder must submit the following general requirements information:
- a) A completed Affidavit of Noncollusion (See Paragraph J, Item 2).
 - b) A statement regarding Organizational Conflicts of Interest (See Paragraph J, Item 3).
 - c) A statement accepting the terms and condition of the State's Professional and Technical Services contract (See Paragraph J, Item 6).
 - d) A statement acknowledging Responder will provide the required insurance if offered a contract (See Paragraph J, Item 8).
 - e) A completed Affirmative Action Data Page (See Paragraph J, Item 10).
- 3. Cost Proposal:** Responder must submit a cost proposal separate from the project information and general requirements and must include the following:
- a) **Proposal Fee:** The cost proposal must provide a fee broken down by tasks for each building in each major site identified in the table in Paragraph C.1.1 through C.1.4. Each task must include the responder's personnel classification(s) performing the work, the number of hours anticipated for each task, and the hourly rate for each personnel classification. Responder's fee must be based on an hourly rate(s) for actual hours worked and the cost proposal must include a not to exceed amount. The cost proposal must subtotal hours and cost for each building in each major site.
 - b) **Reimbursable Expenses:** The cost proposal must provide an estimate for reimbursable expenses, which are limited to reimbursement at cost for printing 12 copies of the site plans.
 - c) **Schedule of Hourly Rates:** The cost proposal must provide a schedule of hourly rates for each employee of Responder and its subconsultant(s), which will be effective for additional services approved by the State for this project.

E. Number of Proposal Copies to be Submitted and Envelope Identifications:

1. Original and four (4) copies are to be received by the deadline stated below. The following documents are to be submitted as part of the proposal:
 - a. A separately bound (stapled or spiral binding) and sealed document providing only the following information:
 - Qualification Information (Paragraph D, Items 1.a. through 1. f.).
 - General Requirements Information (Paragraph D, Items 2.a. through 2.e.).
 - b. A separately bound (stapled or spiral binding) and sealed document providing the Cost Proposal Information (Paragraph D, Item 3.a. through 3.c.).
2. Proposals are to be sealed in a mailing envelope or package with the Responder's name and address written on the outside of the envelope and the following statement noted in the lower left-hand corner of the envelope **"Proposal for Building Feature Mapping, DSBC Project No. 02199GDX"**
3. An authorized person of the responder must sign the original of the proposal in ink. Responder's authorized person means the following:
 - If a corporation, signer must be a corporate officer authorized by corporate resolution or by-laws
 - If a partnership, signer must be a partner authorized in partnership agreement
 - If a sole proprietor, signer must be the owner

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F. Information Meeting:

A **mandatory** informational meeting will be held **January 23, 2002**, at 10:00 a.m. in the John Retzer Room, G-10 Administration Building, 50 Sherburne Avenue, St. Paul, MN 55155. To register to attend the informational meeting, contact State's Project Manager Mel Lovejoy (see Paragraph G below) by 4:00 p.m. on **January 22, 2002**.

Only interested persons or firms attending the informational meeting will be considered.

G. Responding to Questions:

Questions concerning the project are to be directed to State's Project Manager no later than January 26, 2002:

Mel Lovejoy, State Project Manager
Department of Administration
Division of State Building Construction
Administration Building, Room G-10
50 Sherburne Avenue
St. Paul, MN 55155-3000
Phone: (651) 296-0140
Fax: (651) 296-7650
Email: *Mel.Lovejoy@state.mn.us*

A response to questions will be faxed or emailed by **January 29, 2002**, to potential responders attending the informational meeting. Other State and/or consultant personnel are NOT allowed to discuss the RFP with anyone, including responders, before the submission deadline. Contact regarding this RFP with any personnel not listed above may result in disqualification.

H. Proposal Delivery Point and Due Date/Time: All proposals must be mailed or delivered to:

Contracts Officer
Department of Administration
Division of State Building Construction
50 Sherburne Ave., Room G-10
St. Paul, MN 55155-1495

All Proposals must be received no later than **2:00 p.m., Central Standard Time**, on Friday, **February 1, 2002**, as indicated by a notation made by the receptionist at the above address.

Late proposals will not be considered.

I. Proposal Evaluation.

Representatives of the State will evaluate all proposals received by the deadline. In some instances, an interview may be part of the evaluation process for the top selected proposals.

The factors and weighting on which proposals will be judged are:

1. Summary Scope of Services	40%	
2. Qualifications/experience of personnel working on the project	25%	
3. Expressed understanding of project objectives	10%	
4. Qualifications/experience of responder	<u>5%</u>	80%
5. Cost Proposal		<u>20%</u>
Total		100%

It is anticipated the evaluation and selection will be completed by **February 20, 2002**.

J. General Requirements:

1. Licensure Requirements: The successful Responder is required to be licensed under *Minnesota Statutes* §§ 326.02-14 as an architect, engineer, or land surveyor. A copy of *Minnesota Statutes* is available on DSBC Web Site www.dsbc.admin.state.mn.us, select Solicitation Announcements, and select RFP—Building Feature Mapping.

2. **Affidavit of Noncollusion:** Each Responder must complete an Affidavit of Noncollusion and include it with its response. A copy of the affidavit is available on DSBC Web Site www.dsbc.admin.state.mn.us, select Solicitation Announcements, and select RFP—Building Feature Mapping.
3. **Organizational Conflicts of Interest:** Responder warrants that, to the best of its knowledge and belief, and except as otherwise disclosed, there are no relevant facts or circumstances, which could give rise to organizational conflicts of interest. An organizational conflict of interest exists when, because of existing or planned activities or because of relationships with other persons, a responder or its subconsultant(s) is unable or potentially unable to render impartial assistance or advice to the State, or the responder's objectivity in performing the contract work is or might be otherwise impaired, or the responder has an unfair advantage. The responder agrees that, if after award, an organizational conflict of interest is discovered, an immediate and full disclosure in writing will be made to the Assistant Director of the Department of Administration's Materials Management Division, 112 Administration Building, 50 Sherburne Avenue, St. Paul, MN 55155, which must include a description of the action, which the responder has taken or proposes to take to avoid or mitigate such conflicts. If an organizational conflict of interest is determined to exist, the State may, at its discretion, cancel the contract. In the event the responder was aware of an organizational conflict of interest prior to the award of their contract and did not disclose the conflict to the contracting officer, the State may terminate the contract for default. The provisions of this clause must be included in all subcontracts for work to be performed similar to the service provided by the prime contractor/consultant/vendor/responder, and the terms "contract", "contractor", and "contracting officer" modified appropriately to preserve the State's rights.
4. **Disposition of Responses:** All materials submitted in response to this RFP will become property of the State and will become public record after the evaluation process is completed and an award decision made. If the Responder submits information to this RFP that is believed to be trade secret materials, as defined by the Minnesota Government Data Practices Act, *Minnesota Statutes* § 13.37, the Responder must:
 - clearly mark all trade secret material in its response at the time the response is submitted,
 - include a statement with its response justifying the trade secret designation for each item, and
 - defend any action seeking release of materials it believes to be trade secret, and indemnify and hold harmless the State, its agents and employees, from any judgments or damages awarded against the State in favor of the party requesting the materials, and any and all costs connected with that defense. This indemnification survives the State's award of a contract. In submitting a response to this RFP, the responder agrees that this indemnification survives as long as the trade secret materials are in possession of the State.

The State will not consider the prices submitted by the Responder to be proprietary or trade secret materials.

Responses to this RFP will not be opened for public review until the State decides to pursue a contract and that contract is awarded.

5. **Contingency Fees Prohibited:** Pursuant to *Minnesota Statutes* Section 10A.06, no person may act as or employ a lobbyist for compensation that is dependent upon the result or outcome of any legislation or administrative action.
6. **Sample Contract:** You should be aware of the State's standard contract terms and conditions in preparing your response. A sample State of Minnesota Professional/Technical Services Contract is available on DSBC Web Site www.dsbc.admin.state.mn.us, select Solicitation Announcements, and select RFP-Building Feature Mapping. Much of the language reflected in the contract is required by statute. If you take exception to any of the terms, condition or language in the contract, you must indicate these exceptions in your response to the RFP; certain exceptions may result in your proposal being disqualified from further review and evaluation. Only the exceptions indicated in your response to the RFP will be available for discussion or negotiation. The State reserves the right to modify the terms and conditions of the contract format prior to execution of a contract with the successful responder.
7. **Preference to Targeted Group and Economically Disadvantaged Business and Individuals:** In accordance with *Minnesota Rules* 1230.1810, subpart B and *Minnesota Rules* 1230.1830, certified Targeted Group Businesses or individuals and certified Economically Disadvantaged Businesses or individuals submitting proposals as prime contractors will receive up to six percent preference in the evaluation of their proposals. For information regarding certification, contact the Department of Administration, Materials Management Division Helpline at (651) 296-2600, **TTY** (651) 282-5799.
8. **Insurance Requirements:**
 - a. The State will require that a certificate of insurance for each type of insurance required in Paragraph 8 be filed with the State's authorized agent within 30 days of execution of a Contract and prior to commencement of any work under a contract. Each policy must contain a 10-day notice of cancellation, nonrenewal, or material change to all named and additional insured.

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- b. The successful Responder will be required to maintain and furnish satisfactory evidence of the following insurance policies:
- b.1. Loss by any means, of all data furnished to the successful Responder by the State, and for partially completed data for which State has made payment.
- b.2. Worker's Compensation Insurance: The successful Responder must provide Worker's Compensation insurance for all its employees and, in case any work is subcontracted, the Responder will require the subcontractor to provide Worker's Compensation insurance in accordance with the statutory requirements of the state of Minnesota, including Coverage B, Employer's Liability, at limits not less than \$100,000.00 bodily injury by disease per employee; \$400,000.00 bodily injury by accident.
- b.3. Commercial General Liability: The successful Responder will be required to maintain insurance protecting it from claims for damages for bodily injury, including sickness or disease, death, and for care and loss of services as well as from claims for property damage including loss of use which may arise from operations under contract whether the operations are by the Responder or by a subcontractor or by anyone directly or indirectly employed under the contract. Insurance minimum amounts will be as follows:
- \$1,000,000.00 - per occurrence
 - \$2,000,000.00 - annual aggregate
- In addition, the following coverages should be included:
- Bodily Injury and Property Damage
 - Products and Completed Operations Liability
 - Blanket Contractual Liability
 - Name the state as an Additional Insured
- b.4. Commercial and Personal Automobile Liability:
- b.4.1 Commercial Automobile Liability: The successful Responder will be required to maintain insurance protecting the Responder from claims for damages for bodily injury, including sickness or disease, death, and for care and loss of services, as well as from claims for property damage including loss of use which may arise from operations under the Contract whether such operations were by the Responder or by subcontractor or by anyone directly or indirectly employed under the contract. Insurance minimum amounts will be as follows:
- \$1,000,000.00 - per occurrence Combined Single Limit for Bodily Injury and Property Damage.
- In addition, the following coverages should be included:
- Owned, Hired, and Non-owned
 - Name the State as an Additional Insured
- b.4.2 Personal Automobile Liability: If employees of the successful responder or its subconsultant(s) use personal vehicles to perform RFP services, the successful Responder must provide a copy of the Certificate of Insurance for Personal Automobile Liability coverage for each employee who will be using a personal vehicle to perform the services as evidence of satisfactory compliance with State of Minnesota financial responsibility requirements in *Minnesota Statutes 65B.48*.
- b.5. Professional/Technical, Errors and Omissions, and/or Miscellaneous Insurance:
- The successful Responder will be required to carry the following minimum amounts:
- \$1,000,000.00 - per claim
 - \$2,000,000.00 - annual aggregate
- The Responder may be required to submit a certified financial statement, which provides evidence that the responder has adequate assets to cover any deductible, which applies to this policy.
- This policy will provide coverage for all claims the Responder may become legally obligated to pay resulting from any actual or alleged negligent act, error or omission related to the Responder's professional services required under the contract.

Responder will be required to:

- Include legal defense fees in addition to its liability policy limits, with the exception of B.5. above; and
 - Obtain insurance policies from an insurance company having an "AM BEST" rating of A-VIII or better.
- c. The State reserves the right to immediately terminate the contract of the Responder is not in compliance with the insurance requirements and retains all rights to pursue any legal remedies against the Responder. All insurance policies must be open to inspection by the State, and copies of policies must be submitted to State's authorized agent upon written request.
- The successful responder will be required to submit acceptable evidence of insurance coverage requirements prior to starting work.
- d. The State reserves the right to modify the insurance requirements prior to the execution of a contract by the successful Responder.
9. **State Employees:** In compliance with *Minnesota Statutes* §16C.07, the availability of this work is being offered to state employees. The State will evaluate the responses of any State employee, along with other responses to this RFP.
10. **Human Rights Requirements:** Responders are asked to complete an Affirmative Action Data Page and return it with its response to this RFP. As required by *Minnesota Rules* 5000.3600, "It is hereby agreed between the parties that *Minnesota Statutes* § 363.073 and *Minnesota Rules* 5000.3400 - 5000.3600 are incorporated into any contract between these parties based upon this specification or any modification of it.
11. **All costs incurred** in responding to this notice will be the responsibility of the responder.

Department of Administration

Division of State Building Construction

Request for Proposals (RFP) for a "Technology Consultant", who is a Registered Engineer in Minnesota, for the New Public Safety/Bureau of Criminal Apprehension, Office/Forensic Laboratories Building Project, DSBC Project No. 07002UNL

A. Project Overview: The State of Minnesota (STATE) acting through its Department of Public Safety, Bureau of Criminal Apprehension (BCA) in association with the Department of Administration, Division of State Building Construction (DSBC) is constructing a 233,000 sf., \$50,000,000 state of the art office and forensic laboratory building at 1430 Maryland Avenue (Maryland and Prosperity Avenues), St. Paul. The General Construction work was started in June 2001 and is scheduled for completion in June 2003. The primary design Architect/Engineer is The Leonard Parker Associates (TLPA), and the General Contractor is BOR-SON Construction. **The technology-related contract documents should be issued for bid by end of August 2002.**

A previous consultant for the State prepared design requirements, equipment selection, and contract documents for voice/data systems and paging (approximately 95% complete) and audio/visual systems (approximately 75% complete). That consultant's services have been terminated.

The allocated budget for the technologies package is \$1,934,000, which does *not* include the Technology Consultant Fee.

B. Goal: It is the goal of this Request for Proposal to obtain services to complete the existing documents, perform technology design, coordinate the work with DSBC, BCA, and TLPA and provide construction administration services to **meet existing project schedule.**

This RFP does not obligate the State to complete the project and the State reserves the right to cancel the solicitation if it is considered to be in its best interest. The State reserves the right to contract for only a portion of the services.

Services are to begin immediately upon completion of a fully executed contract, which is anticipated to be the end of March 2002.

C. Work Scope/Sample Tasks: Tasks are to be performed in compliance with DSBC's Designer Procedure Manual (a copy is available on DSBC Web Site www.dsbc.admin.state.mn.us, select Solicitation Announcements, select RFP-BCA Technology). Work scope/sample tasks include, but are not limited to, the following:

State Contracts

1. **DESIGN:** Review of existing plans and specifications, complete design of a thru d below (existing documents will be provided in hardcopy and electronic media to successful responder), make recommendations for tasks to complete documents, and formulate existing equipment relocation and procurement strategies for new equipment. Coordinate with State's Owner's Representative, BCA, other consultants, and State of Minnesota Department of Administration's Inter-Technologies Group (ITG). Review General Construction schedule and recommend milestone dates for completion of this technology work within the current schedule. **Complete all work to meet the current project schedule.** Develop construction cost estimates. Attend project management team meetings as requested, approximately 1 per month during design. Attend on-site construction coordination meetings currently held at 8:30 a.m. on Wednesdays during design. All for the following technology systems:
 - a. Voice/data systems, and paging (now approximately 95% complete).
 - b. Audio/visual systems (now approximately 75% complete)
 - c. Phone system and switch
 - d. Wireless phone system
2. **CONTRACT DOCUMENTS:** Complete all necessary contract documents (plans and specifications), and estimates, for the technology systems outlined in C.1. above and submit to STATE for advertisement and receipt of bids. **Complete all work to meet the current project schedule requirements. Contract documents should be issued for bid by end of August 2002.** Attend project management team meetings as requested, approximately 1 per month during contract document development. Attend on-site construction coordination meetings currently held at 8:30 a.m. on Wednesdays during contract document development. Issue documents for Owners review in accordance with DSBC Designer Procedure Manual. Recommend approval of bid prices. Construction Documents services also apply to the following:
 - a. The infrastructure (such as conduit, back boxes, cable trays, penetrations, etc. for the voice/data, paging, and audio/visual systems) which has been included in the General Construction work that has been bid and is under construction.
 - b. Incorporation of the previous consultant's Instruments of Services (project documents) into successful responder's documents. The existing project documents include Plans, Details, Specifications, Equipment lists, and Estimate of Costs.Services must include the following deliverables: Construction Documents (plans and specifications) as required for the technology systems in C.1. above.
3. **CONSTRUCTION ADMINISTRATION:** Administer answering questions and preparing addenda during the bidding process, provide construction observation services, and review pay requests of the technology systems outlined in C.1 above. **Complete all work to meet the current project schedule.** Construction Administration includes preparing punch list, certifying substantial completion, review of equipment start up and testing, and minimum of 32 person hours for completing the ten (10) month warranty review after substantial completion. Attend project management team meetings as requested, approximately 1 per month during Construction Administration. Attend on-site construction coordination meetings currently held at 8:30 a.m. on Wednesdays during Construction Administration. Construction Administration services also include the following:
 - The infrastructure (such as conduit, back boxes, cable trays, penetrations, etc. for the voice/data, paging, and audio/visual systems) which has been included in the General Construction work that has been bid and is under construction.Construction Administration services must include the following deliverables:
 - a. As-built construction drawings, one black line and one Mylar set.
 - b. As-built specifications
 - c. Drawings on CDs in AutoCAD 14 (minimum release)
 - d. Specifications on CDs in WORD format
 - e. Warranties
 - f. Operation and maintenance manuals including cut sheets of each item

D. Proposal Content:

1. **Qualifications Information:** Responder must submit the following qualifications information in the order listed below:
 - a. A statement of the objectives, goals, and tasks to show or demonstrate the responder's view of the nature of the contract services, a detailed work plan that will identify the major tasks to be accomplished and that will be used as a scheduling and managing tool, as well as the basis for invoicing completed services, and a description of the deliverables to be provided by the responder.
 - b. A list of the responder's personnel including subconsultant personnel, who will conduct the project, detailing their training, work experience and hourly fees. No change in assigned personnel to the project will be permitted without the written approval of the State's project manager.
 - c. An outline of the responder's background and experience with four (4) completed project examples of similar work done, and detailing the construction observation experience in each project.
 - d. Identification of the level of the State's participation in the contract, as well as any other services to be provided by the State, and details of cost allowance for this participation.
2. **General Requirements:** Responder should submit the following general requirements information:
 - a. A completed Affidavit of Noncollusion (See Section K, Item 2).
 - b. A statement regarding Organizational Conflicts of Interest (See Section K, Item 3)
 - c. A statement accepting the terms and conditions of the State's Basic Services Agreement Services contract (See Section K, Item 6)
 - d. A statement acknowledging responder will provide the required insurance if offered a contract (See Section K, Item 8).
 - e. A completed Affirmative Action Data Page (See Section K, Item 10). A copy of the form is available on DSBC Web Page www.dsbcbca.admin.state.mn.us, select Solicitation Announcements, select RFP-BCA Technology.
3. **Cost Proposal:** Responder must submit a lump sum cost proposal sealed separately from the qualifications information and general requirements. Cost proposal must provide a fee broken down in responsibility categories of C.1. (Design), C.2. (Contract Documents), and C.3. (Construction Administration) of this RFP, and estimated allowable reimbursables. For a schedule of allowable reimbursables see Exhibit K to Basic Services Agreement on DSBC Web Site www.dsbcbca.admin.state.mn.us, select Solicitation Announcements, select RFP—BCA Technology.

Also provide a Schedule of hourly rates for each employee of responder and its subconsultant(s) that will be effective for the duration of the contract and apply to all DSBC approved additional services.

E. Number of Proposal Copies to be Submitted and Envelope Identification:

1. **One (1) original and seven (7) copies** are to be received by the deadline stated in Section I. The following documents are to be submitted as part of the proposal:
 - a. A separately bound (stapled or spiral binding) and sealed document providing only the following information:
 - Qualification Information (Section D, Items 1a thru 1d).
 - General Requirements Information (Section D, Items 2a-2e).
 - b. A separately bound (stapled or spiral binding) and sealed document providing only Cost Proposal Information (Section D, Item 3)
2. Proposals are to be sealed in a mailing envelope or package with the Responder's name and address written on the outside of the envelope and the following statement noted in the lower left-hand corner of the envelope "Proposal for BCA Technology Consultant, DSBC Project 07002UNL".
3. **An authorized person of the responder must sign the original of the proposal in ink.** Responder's authorized person means the following:
 - If a corporation, signer must be a corporate officer authorized by corporate resolution or by-laws
 - If a partnership, signer must be a partner authorized in partnership agreement
 - If a sole proprietor, signer must be the owner.

State Contracts

- F. Informational Meeting:** A **mandatory** informational meeting will be held **January 24, 2002, at 1 p.m.**, at the construction site at 1430 Maryland Avenue (Maryland and Prosperity Avenues), St. Paul. Attendees are requested to **register by January 23, 2002** for the informational meeting by contacting the State's Owner's Representative, Bob Armbruster (see Section H below).

NOTE: A time may be scheduled **prior to January 22, 2002 to review the existing documents** at the construction site by contacting the State's Owner's Representative, Bob Armbruster. Interested responders must email or fax their questions to State's Owner's Representative. Questions will be answered either at the informational meeting or by January 29th. Questions will not be answered prior to the informational meeting.

Only interested firms or persons attending the informational meeting will be considered for selection.

G. Letter of Intent to Submit a Proposal

Persons or firms who have attended the informational meeting and plan to submit a proposal for this project must fax a "letter of intent to submit a proposal" to (651) 296-7650, attention of Contracts Officer". The letter of intent must include (1) a subject line of "RFP for BCA Technology Consultant, DSBC Project No. 07002UNL, (2) a statement that potential responder intends to submit a proposal, and (3) a contact person name, phone number, fax number, and email address.

Changes to proposal information and responses to questions will be sent only to those persons and/or firms attending the informational meeting **and** submitting a letter of intent. You must fax the letter of intent by January 29, 2002.

- H. Responding to Questions:** Questions concerning the project must to be **submitted by January 29, 2002**, to:

Bob Armbruster, State's Owner's Rep
14099 Valley Creek Trail
Afton, MN 55001
Phone: (651) 793-5136
Fax: (651) 772-4303
Email: *rcaafton@aol.com*

Responses to questions will be faxed or emailed by February 5, 2001 only to those who have submitted a Letter of Intent to Respond by January 29, 2002.

Other State or consultant personnel are NOT allowed to discuss the RFP with anyone, including responders, before the proposal submission deadline. Contact regarding this RFP with any personnel not listed above may result in disqualification.

- I. Proposal Delivery Point and Due Date/Time:** All proposals must be **mailed or delivered to:**

Contracts Officer
Department of Administration
Division of State Building Construction
50 Sherburne Ave, Room G-10
St. Paul, MN 55155-1495

All proposals must be received no later than 2:00 p.m., Central Standard Time, on Friday, February 8, 2002, as indicated by a notation made by the receptionist at the above address on receipt of proposal.

Late proposals will not be considered.

J. Proposal Evaluation.

Representatives of BCA and DSBC will evaluate all proposals received by the Due Date and Time. An **interview on February 19, 2002** may be part of the evaluation process **for the top selected proposals**. A 100-point scale will be used in the selection process. Proposals will be evaluated based on 90% for "best qualifications" (items 1 through 4 below) and 10% for Cost Proposal (item 5 below). The Cost Proposal will be considered after qualification points are awarded.

The factors and weighting on which proposals will be evaluated are:

1. Understanding of Project Objectives	30%
2. Qualifications/experience of personnel working on the project	30%
3. Qualifications/experience of responder	20%
4. Construction Observation experience	<u>10%</u>
	Subtotal 90%
5. Cost Proposal	<u>10%</u>
	<u>Total</u> <u>100%</u>

It is anticipated the evaluation and selection will be completed by **February 26, 2002**.

K. General Requirements:

1. **Licensure Requirements:** The successful responder is required to be an Engineer registered in the State of Minnesota under *Minnesota Statutes* 326.02-14. A copy of *Minnesota Statutes* and *Minnesota Rules* is available on DSBC Web Site www.dsb.admin.state.mn.us, select Solicitation Announcements, select RFP—BCA Technology.
2. **Affidavit of Noncollusion:** Each responder must complete an Affidavit of Noncollusion and include it with its response. A copy of the affidavit may be obtained from the DSBC's Web site: <http://www.dsb.admin.state.mn.us>; select Solicitation Announcements, select RFP-BCA Technology.
3. **Organizational Conflicts of Interest:** Responder warrants that, to the best of its knowledge and belief, and except as otherwise disclosed, there are no relevant facts or circumstances which could give rise to organizational conflicts of interest. An organizational conflict of interest exists when, because of existing or planned activities or because of relationships with other persons, a responder or its subconsultant(s) is unable or potentially unable to render impartial assistance or advice to the State, or the responder's objectivity in performing the contract work is or might be otherwise impaired, or the responder has an unfair advantage. The responder agrees that, if after award, an organizational conflict of interest is discovered, an immediate and full disclosure in writing will be made to the Assistant Director of the Department of Administration's Materials Management Division, 112 Administration Building, 50 Sherburne Avenue, St. Paul, MN 55155, which shall include a description of the action, which the responder has taken or proposes to take to avoid or mitigate such conflicts. If an organizational conflict of interest is determined to exist, the State, at its discretion, may cancel the contract. In the event the responder was aware of an organizational conflict of interest prior to the award of their contract and did not disclose the conflict to the contracting officer, the State may terminate the contract for default. The provisions of this clause shall be included in all subcontracts for work to be performed similar to the service provided by the prime contractor/consultant/vendor/responder, and the terms "contract", "contractor", and "contracting officer" modified appropriately to preserve the State's rights.
4. **Disposition of Responses:** All materials submitted in response to this RFP will become property of the State and will become public record after the evaluation process is completed and an award decision made. If the Responder submits information in response to this RFP that it believes to be trade secret materials, as defined by the Minnesota Government Data Practices Act, *Minnesota Statutes* § 13.37, the Responder must:
 - clearly mark all trade secret materials in its response at the time the response is submitted,
 - include a statement with its response justifying the trade secret designation for each item, and
 - defend any action seeking release of the materials it believes to be trade secret, and indemnify and hold harmless the State, its agents and employees, from any judgments or damages awarded against the State in favor of the party requesting the materials, and any and all costs connected with that defense. This indemnification survives the State's award of a contract. In submitting a response to this RFP, the Responder agrees that this indemnification survives as long as the trade secret materials are in possession of the State.

The State will not consider the prices submitted by the Responder to be proprietary or trade secret materials.

Responses to this RFP will not be open for public review until the State decides to pursue a contract and that contract is awarded.
5. **Contingency Fees Prohibited:** Pursuant to *Minnesota Statutes* Section 10A.06, no person may act as or employ a lobbyist for compensation that is dependent upon the result or outcome of any legislation or administrative action.
6. **Sample Contract:** You should be aware of the State's standard contract terms and conditions in preparing your response. A sample State's Basic Services Agreement is available for your review on DSBC's Web Site <http://www.dsb.admin.state.mn.us>, select Solicitation Announcements, select RFP-BCA Technology. Much of the language reflected in the contract is required by statute. If you take exception to any of the terms, conditions or language in the contract, you must indicate those exceptions in your response to the RFP; certain exceptions may result in your proposal being disqualified from further review and evaluation. Only those exceptions indicated in your response to the RFP will be available for discussion or negotiation. The State reserves the right to modify the terms and conditions of the contract format prior to execution of a contract with the successful responder.
7. **Preference to Targeted Group and Economically Disadvantaged Business and Individuals:** In accordance with *Minnesota Rules* 1230.1810, subpart B and *Minnesota Rules* 1230.1830, certified Targeted Group Businesses or individuals and certified Economically Disadvantaged Businesses or individuals submitting proposals as prime contractors (consultants) will receive up to six percent preference in the evaluation of their proposals. For information regarding certification, contact the Department of Administration, Materials Management Division Helpline at (651) 296-2600, **TTY:** (651) 282-5799.

State Contracts

8. Insurance Requirements:

- a. The State will require that a certificate of insurance for each type of insurance required in Section 9 be filed with the State's authorized agent within 30 days of execution of a Contract and prior to commencement of any work under a contract. Each policy must contain a 10-day notice of cancellation, nonrenewal, or material change to all named and additional insured.
- b. The successful responder will be required to maintain and furnish satisfactory evidence of the following insurance policies:
 - b.1. Loss by any means, of all data furnished to the successful responder by the State, and for partially completed data for which State has made payment.
 - b.2. Workers' Compensation Insurance: The successful responder must provide Workers' Compensation insurance for all its employees and, in case any work is subcontracted, the responder will require the subcontractor to provide Workers' Compensation insurance in accordance with the statutory requirements of the state of Minnesota, including Coverage B, Employer's Liability, at limits not less than \$100,000.00 bodily injury by disease per employee; \$500,000.00 bodily injury by disease aggregate; and \$100,000.00 bodily injury by accident.
 - b.3. Commercial General Liability: The successful responder will be required to maintain insurance protecting it from claims for damages for bodily injury, including sickness or disease, death, and for care and loss of services as well as from claims for property damage including loss of use which may arise from operations under a contract whether the operations are by the responder or by a subcontractor or by anyone directly or indirectly employed under the contract. Insurance minimum amounts will be as follows:
 - \$1,000,000.00 - per occurrence
 - \$2,000,000.00 - annual aggregateIn addition, the following coverages should be included:
 - Bodily Injury and Property Damage
 - Products and Completed Operations Liability
 - Blanket Contractual Liability
 - Name the state as an Additional Insured
 - b.4. Commercial and/or Personal Automobile Liability
 - b.4.1 Commercial Automobile Liability: The successful responder will be required to maintain insurance protecting the responder from claims for damages for bodily injury, including sickness or disease, death, and for care and loss of services, as well as from claims for property damage including loss of use which may arise from operations under the Contract whether such operations were by the responder or by subcontractor or by anyone directly or indirectly employed under the contract. Insurance minimum amounts will be as follows:
 - \$1,000,000.00 - per occurrence Combined Single Limit for Bodily Injury and Property DamageIn addition, the following coverages should be included:
 - Owned, Hired, and Non-owned
 - Name the State as an Additional Insured
 - b.4.2 Personal Automobile Liability: If responder or its subconsultant staff use personal vehicles to perform RFP services, the successful responder must provide a copy of the Certificate of Insurance for Personal Automobile Liability coverage for each employee and/or subconsultant who will be using their personal vehicle to perform the services as evidence of satisfactory compliance with state of Minnesota financial responsibility requirements of *Minnesota Statutes* 65B.48.
 - b.5. Professional/Technical, Errors and Omissions, and/or Miscellaneous Liability Insurance:

The Consultant will be required to carry the following minimum amounts:

 - \$1,000,000.00 - per claim
 - \$2,000,000.00 - annual aggregate

The successful responder may be required to submit a certified financial statement, which provides evidence that the responder has adequate assets to cover any deductible, which applies to this policy.

This policy will provide coverage for all claims the responder may become legally obligated to pay resulting from any actual or alleged negligent act, error, or omission related to the responder's professional services required under the contract.

Responder will be required to:

- Include legal defense fees in addition to its liability policy limits; and
 - Obtain insurance policies from an insurance company having an "AM BEST" rating of A-VIII or better.
- c. The State reserves the right to immediately terminate the contract if the responder is not in compliance with the insurance requirements and retains all rights to pursue any legal remedies against the responder. All insurance policies must be open to inspection by the State, and copies of policies must be submitted to State's authorized agent upon written request.

The successful responder will be required to submit acceptable evidence of insurance coverage requirements prior to starting work.

- d. The State reserves the right to modify the insurance requirements prior to the execution of a contract by the successful responder.
9. **State Employees:** In compliance with *Minnesota Statutes* § 16C.07, the availability of this work is being offered to State employees. The State will evaluate the responses of any State employee, along with other responses to this RFP.
10. **Human Rights Requirements:** Responders are asked to complete an Affirmative Action Data Page and return it with its response to this RFP. As required by *Minnesota Rules* 5000.3600, "It is hereby agreed between the parties that *Minnesota Statutes* § 363.073 and *Minnesota Rules* 5000.3400 - 5000.3600 are incorporated into any contract between these parties based upon this specification or any modification of it.
11. **All costs incurred** in responding to this notice will be the responsibility of the responder.

Anoka-Hennepin Technical College

Dakota County Technical College

Request for Proposals for an Integrated College Textbook Management System

An Integrated College Textbook Management System Request for Proposals is being sought by the Anoka-Hennepin Technical College and the Dakota County Technical College.

For a copy of the **FULL** Request for Proposal contact:

M. Hanson, Purchasing Agent
1355 West Highway 10
Anoka, Minnesota 55303
Phone: (763) 576-4723
Fax: (763) 576-4781

BID DUE DATE: February 14, 2002 at 2:00 p.m.

Contact the Purchasing Office to obtain the RFP document, which outlines the process, terms and conditions for evaluating and contracting for the integrated textbook management system. the objective of the AHTC/DCTC textbook management system is to provide services to faculty, staff and students for coordinating the management of textbook purchasing and related financial data necessary to provide textbooks, and related items in a most efficient, state-of-art manner. The RFP also includes: on line resources to purchase wholesale (new and used) textbooks and provide onsite personnel for book buy program, customization of software to best fit need, and the ability to produce financial reports. Integrated system would include all software, hardware and support elements including point-of-sale and book buyback.

State Contracts

Minnesota Historical Society

Request for Proposals for Production Management Services

The Minnesota Historical Society seeks proposals from qualified firms or individuals for Production Management Services related to the processing of its sixth-grade Minnesota history curriculum, *Northern Lights*. The Production Manager will work with, and be under the general supervision of, the Society's Education Publications Manager. The Society will provide guidelines for schedules and project requirements, but will rely on the expertise of the Production Manager for specific scheduling, pre-press and print recommendations. The production and print portion of the project, expected to launch with composition in April 2002, will span ten to twelve months.

The Request for Proposal is available by calling or writing Chris M. Bonnell, Contracting Officer, Minnesota Historical Society, 345 Kellogg Blvd. West, St. Paul, MN 55102. **Phone:** (651) 297-5863, **email:** chris.bonnell@mnhs.org

All proposals must be received by Chris M. Bonnell, Contracting Officer, or an authorized agent, at the Minnesota Historical Society, 345 Kellogg Boulevard West, St. Paul, MN 55102 by the closing time for receipt of proposals, which is Tuesday, **February 5, 2002 at 2:00 p.m. Late proposals will not be considered.**

Authorized agents for receipt of proposals are the following: Mary Green-Toussaint, Contracting and Procurement Technician or any Work Service Center staff member in the Finance and Administration Division on the 4th floor of the History Center.

Dated: 14 January 2001

Department of Human Services

St. Peter Regional Treatment Center

Notice of Request for a Proposal for General Practitioner Services

NOTICE IS HEREBY GIVEN that the St. Peter Regional Treatment Center, Residential Facilities Administration, Department of Human Services, is seeking services which are to be performed as requested by the Administration of the St. Peter Regional Treatment Center. The following contract will be written for the period February 11, 2002 through June 30, 2002.

1. Services of one general practitioner for the patients at St. Peter Regional Treatment Center

Responses must be received **by February 4, 2002**. Direct inquiries to:

Cindy Zahratka, Contract Coordinator
St. Peter Regional Treatment Center
100 Freeman Drive
St. Peter, MN 56082
Phone: (507) 931-7715

State Board of Investment

Request for Proposals for Private Money Management Firms to Manage Pension Assets

The Minnesota State Board of Investment (MSBI) retains private money management firms to manage a portion of the pension assets and other accounts under its control. Firms interested in managing domestic stock, international stock, domestic bond or global bond portfolios for the MSBI are asked to write to the following address for additional information:

External Manager Program
Minnesota State Board of Investment
60 Empire Drive, Suite 355
St. Paul, MN 55103-3555
Phone: (651) 296-3328
Fax: (651) 296-9572
Email: minn.sbi@state.mn.us

Please refer to this notice in your written request.

Minnesota Department of Public Safety

Office of Traffic Safety

Notice of Request for Proposals for an Educational Video To Reduce Alcohol-Related Fatalities Among 21-34 Year Old Blue Collar Workers

The Minnesota Department of Public Safety is seeking proposals to produce an educational video that will increase the awareness level of 21-34 year old blue-collar workers of the risk of driving a motor vehicle when alcohol or drug impaired and educate on the benefit of wearing a seat belt. Details are contained in a Request for Proposals which may be obtained by calling or writing:

Jean K. Ryan
Department of Public Safety
Office of Traffic Safety
444 Cedar Street, Suite 150
St Paul, Minnesota 55101-5150
Phone: (651) 296-6794
TTY: (651) 215-9091
Fax: (651) 297-4844
Email: jean.m.ryan@state.mn.us

Prospective respondents who have questions regarding this Request for Proposals may write Ms. Ryan by regular mail, by fax and/or by email. No telephone inquiries will be accepted. Questions should be received **by 3:00 p.m. on January 25, 2002**. Requests received after that time may not receive responses. Estimated total cost of the contract is \$ 190,000. Final date for submitting proposals is **February 1, 2002 by 2:30 p.m. Late proposals will not be considered**. This Request for Proposals does not obligate the State to complete the proposed project and the State reserves the right to cancel the solicitation if it is considered to be in the State's best interest. All expenses incurred in responding to this RFPs shall be borne by the responder.

Minnesota Department of Public Safety

Office of Traffic Safety

Notice of Request for Proposals for Evaluation of a Paid Media Seatbelt Campaign

The Minnesota Department of Public Safety is seeking proposals to collect and analyze data to evaluate the effectiveness of a paid media campaign in changing seatbelt wearing behavior. Details are contained in a complete Request for Proposals which may be obtained by calling or writing:

Kathleen Haney
Department of Public Safety
Office of Traffic Safety
444 Cedar Street, Suite 150
St. Paul, Minnesota 55101-5150
Phone: (651) 215-9091
TTY: (651) 282-6555
Fax: (651) 297-4844
Email: kathleen.haney@state.mn.us

Prospective respondents who have questions regarding this Request for Proposals may write Ms. Haney by regular mail, by fax and/or by e-mail. No telephone inquiries will be accepted. Questions should be received **by 2:00 p.m. on January 18, 2002**. Questions received after that time may not receive responses. Estimated total cost of the contract is \$160,000. Final date for submitting proposals is **January 30th, 2002 by 2:00 p.m. Late proposals will not be considered**. This Request for Proposals does not obligate the State to complete the proposed project and the State reserves the right to cancel the solicitation if it is considered to be in the State's best interest. All expenses incurred in responding to this notice shall be borne by the responder.

State Contracts

Department of Transportation

Modal Operations Division, Office of Freight, Railroads and Waterways

Notice of Availability of Contract for Freight Movement Project

The Minnesota Department of Transportation is requesting proposals for the purpose of gathering requirements to determine and recommend a freight movement system that would meet the needs of Mn/DOT's Office of Freight, Railroads and Waterways and its customers. The consultant will be responsible for gathering requirements, assessing input and making recommendations for developing a freight flow information system. Development of the system itself will be initiated in a subsequent phase.

Work is proposed to start after February 8, 2002.

A Request for Proposals will be available by mail from this office through January 18, 2002. **A written request (by direct mail or fax) is required to receive the Request for Proposal.** After January 18, 2002, the Request for Proposal must be picked up in person.

The Request for Proposal can be obtained from:

Brigid Gombold
Office of Freight, Railroads, and Waterways
Mn/DOT Bldg. MS 470
395 John Ireland Blvd.
St. Paul, MN 55155
Fax: (651) 297-1887

Proposals submitted in response to the Request for Proposals in this advertisement must be received at the address above **no later than 3:00 p.m., Central Time on January 28, 2002. Late proposals will not be considered.** No time extensions will be granted.

This request does not obligate the State to complete the work contemplated in this notice. The State reserves the right to cancel this solicitation. All expenses incurred in responding to this notice are solely the responsibility of the responder.

Minnesota Department of Transportation

Program Support Division, Office of Consultant Services

Request for Proposal for Pre-Construction Project Management Services T-Contract Program

The Minnesota Department of Transportation (Mn/DOT) is soliciting proposals for participation in a T-Contract Program providing Pre-construction Project Management services. These services will be performed by managing Mn/DOT projects as the primary or assistant Project Manager. The exact role relationship will be decided on a project-by-project basis. As project managers, successful responders would be responsible for overseeing adherence of the project development process, monitoring preparation of process documents, involving various public/agency stakeholders and obtaining necessary plans and permits. Individual work orders will be executed for each project. To receive a copy of the complete Request for Proposal, prospective responders will be required to submit a written request, either by direct mail, email or fax, to the address indicated below through February 5, 2002. After February 5, 2002, prospective responders will be required to pickup the Request for Proposal in person from our offices. Complete Requests for Proposals can be obtained from:

Joseph D. Pignato
Agreement Administrator
Minnesota Department of Transportation
Seventh Floor North
395 John Ireland Boulevard, Mail Stop 680
St. Paul, MN 55155-1899
Fax: (651) 282-5127

The responses to the Request for Proposal must be received by **2:00 p.m., CST February 12, 2002**, according to the time and date stamp on the Consultant Services receptionist desk, 7th floor north - Transportation Building. **Late Submittals will not be considered. No time extensions will be granted.** The successful responders will be required to submit acceptable evidence of compliance with worker's compensation insurance coverage requirements prior to execution of the contract. This request does not obligate the Minnesota Department of Transportation to complete the work contemplated in this notice, and the Department reserves the right to cancel this solicitation at any time. All expenses incurred by submitting contractors responding to this notice will be borne by the responder. All proposals will become public information after the contract is awarded, under the Minnesota Data Practices Act, and will remain the property of the Minnesota Department of Transportation.

Non-State Contracts & Grants

The *State Register* also serves as a central marketplace for contracts let out on bid by the public sector. The *State Register* meets state and federal guidelines for statewide circulation of public notices. Any tax-supported institution or government jurisdiction may advertise contracts and requests for proposals from the private sector. It is recommended that contracts and RFPs include the following: 1) name of contact person; 2) institution name, address, and telephone number; 3) brief description of project and tasks; 4) cost estimate; and 5) final submission date of completed contract proposal. Allow at least three weeks from publication date (four weeks from date article is submitted for publication). Surveys show that subscribers are interested in hearing about contracts for estimates as low as \$1,000. Contact the editor for further details.

Metropolitan Council

Notice of Request for Proposals (RFP) for Architectural/Engineering Services (Reissued): Empire Wastewater Treatment Plant Outfall

MCES Project Number 800900 / MCES Contract Number 01P096

The Metropolitan Council is requesting Architectural/Engineering Services proposals for design and construction support services for an effluent pumping station and 13 mile outfall pipe from the Empire Wastewater Treatment Plan to the Mississippi River. The anticipated project schedule is shown below.

<i>Issue Request for Proposals</i>	January 11, 2002
<i>Receive Proposals</i>	February 8, 2002
<i>Evaluation of Proposals and selection of Consultant</i>	February 2002
<i>Start of work</i>	March 2002
<i>Completion of Construction Contract Documents</i>	January 2003
<i>Substantial Completion of Construction</i>	December 2004

All firms interested in being considered for this project and desiring to receive a RFP package are invited to submit a Letter of Interest to:

Amanda Petersen, Administrative Assistant, Contracts and Procurement Unit
Metropolitan Council Environmental Services
230 East Fifth Street
Mears Park Centre
St. Paul, MN 55101
Phone: (651) 602-1585
Fax: (651) 602-1138
Email: amanda.petersen@metc.state.mn.us

Minnesota Statutes, Sections 473.144 and 363.073, and *Minnesota Rules*, Parts 5000.3400 to 5000.3600 will be incorporated into any contract based upon the Proposal or any modifications to it. If a contract for the project is awarded in excess of \$100,000, the requirements of *Minnesota Rules* 5000.3530 will be applicable.

Non-State Contracts & Grants

Metropolitan Council

Notice of Request for Proposals (RFP) for Employment Background Verifications

Metropolitan Council RFP / Contract Number 01P105

The Metropolitan Council is requesting pre-employment and internal transfer background verification services for its Metro Transit operation over the next three years. Metro Transit provides mass transit bus and light rail services for the metropolitan Minneapolis/St. Paul, Minnesota area.

The anticipated solicitation schedule is shown below.

Issue Request for Proposals
Receive Proposals
Award of Contract

January 14, 2002
1:00 p.m., on Thursday, February 7, 2002
March 2002

All firms interested in receiving an RFP package are invited to submit an email or written request to:

Amanda Petersen, Administrative Assistant, Contracts and Procurement Unit
Metropolitan Council Environmental Services
230 East Fifth Street
Mears Park Centre
St. Paul, MN 55101
Phone: (651) 602-1585
Fax: (651) 602-1138
Email: amanda.petersen@metc.state.mn.us

(Note: RFPs are not available in electronic form.)

Minnesota Statutes, Sections 473.144 and 363.073, and *Minnesota Rules*, Parts 5000.3400 to 5000.3600 will be incorporated into any contract based upon the Proposal or any modifications to it. If a contract for the project is awarded in excess of \$100,000, the requirements of *Minnesota Rules* 5000.3530 will be applicable.

University of Minnesota

Notice of Bid Information Service (BIS) Available for All Potential Vendors

The University of Minnesota offers 24 hour/day, 7 day/week access to all Request for Bids/Proposals through its web based Bid Information Services (BIS). Subscriptions to BIS are \$75/year. Visit our web site at bidinfo.umn.edu or call the BIS Coordinator at (612) 625-5534.

Requests for Bids/Proposals are available to the public at no charge each business day from 8:00 a.m. to 4:30 p.m. in Purchasing Services lobby, Suite 560, 1300 S. 2nd Street, Mpls., MN 55454.

Available at Minnesota Bookstore
Order form on back page

The Pheasant in Minnesota

A fascinating "magazine" devoted to the ring-neck pheasant. Included is the history of the bird, its origin, development and introduction to this region. Color photos, softcover, 48pp.

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Dressing & Cooking Wild Game

Now that you've "bagged your catch", what do you do with it? This book offers clear instructions along with color photos to walk you step-by-step from field dressing and transport to hanging, skinning, butchering, dressing, "clean-up" and freezing. With the hard work out of the way, then cook up one of the mouth-watering recipes for cooking big and small game, upland game birds, and waterfowl. Hardcover, 160pp.

Stock No. 19-38 \$19.95 + shpg. & sales tax

651.297.3000 * 800.657.3757
Mon-Fri 8am-5pm

www.minnesotasbookstore.com

It's Hunting Season!



Hunter's Field Guide

This popular *Outdoor Life* field guide offers practical advice on how to be a safe, successful and responsible hunter. Through easy-to-read illustrations and text, learn tips on: treating common injuries, reloading shot gun shells, the basics of bow hunting, how to hold and carry a muzzle-loader, recommended shot and target range for various game, and much more. Great tool for the beginner as well as the experienced hunter. Softcover, 194pp.

Stock No. 19-31 \$5.99 + shpg. & sales tax

Hunter Education Training Course

Great tool for teaching the beginner the key to safe, successful hunting. This course includes the Hunter's Field Guide (described above), a Workbook and a Safety video. Excellent refresher for the experienced hunter, too! Stock No. 19-111 ONLY \$14.99 + shpg. & sales tax

Animal Tracks of Minnesota & Wisconsin

Great drawings and quick reference captions provide a solid picture of more than 60 different mammals, birds and reptiles of our area. Truly pocket-sized, this field guide identifies animal tracks charting the size of fore prints and hind prints, stride and strattle patterns, and descriptive information about the creature's behavior. Softcover, 160pp.

Stock No. 9-72 \$6.95 + shpg. & sales tax

Hunting and Wildlife Guides



Celebrating our Rural Heritage



Death of the Dream: Farmhouses in the Heartland

Death of the Dream tells the story of America's rural past and a forgotten lifestyle-- the vanishing farmhouse of the Midwest and the rich lives that were lived in them. Trace the evolution of the classic farmhouse --from its humble origins through the high tech present-- and learn about the impact that changing economies have had on lives of midwestern farm families. 87 illustrations, including 72 tritone photo plates. Softcover, 128pp.

Stock No. 19-19 \$24.95 + shipping & sales tax

Small Town Minnesota: A to Z

Author and photographer Tony Andersen toured Minnesota focusing on 26 communities - one for each letter in the alphabet - that are home to less than 1,000 residents. Follow along with Tony as he writes of the generosity and friendly curiosity of the people on the rural landscape and be reminded of the beauty a small town offers through 160 color photographs.

Stock No. 19-2 \$24.95 + shipping & sales tax

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www.minnesotasbookstore.com

